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Libya

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I. Introduction: Situation and methodology

1. The year 2011 saw the outbreak of the 17 February revolution, which responded to the legitimate aspiration of the Libyan people to free itself from the oppressive measures that had been enacted by the former regime in over 40 years of rule. Marginalization and corruption had prevented the Libyan people from enjoying its assets and economic resources or building solid State institutions in a range of areas, including education, health and housing. That situation had affected wide sections of the Libyan people in the enjoyment of their economic, social and cultural rights.

2. The former regime committed grave violations of civil and political rights. It used repressive methods, eliminated political dissidents, suppressed freedom of opinion, stifled political pluralism and replaced the concept of citizenship with that of allegiance to the regime. One of its most prominent crimes was the so-called Abu Salim Prison massacre of 1996, in which over 1,270 prisoners were killed. The memory of the massacre played a significant part in precipitating the 17 February 2011 revolution. An association of families of victims of the massacre organized a peaceful demonstration in Benghazi. Protests then spread to other cities, including the capital Tripoli. The forces of the regime reacted brutally, killing hundreds of people. Bloody confrontations ensued between the revolutionaries and the forces loyal to Qadhafi, which committed war crimes, crimes against humanity and grave human rights violations. The international community reacted by adopting Security Council resolution 1970 (2011) of 26 February 2011, which referred the situation in Libya to the International Criminal Court, and Security Council resolution 1973 (2011), which established a no-fly zone and provided for the protection of civilians in the light of the crimes and repression of the Qadhafi regime forces, which had resorted to threats and intimidation. The confrontation between regime forces and the revolutionaries, who were backed by international coalition forces, continued until liberation was declared on 23 October 2011.

3. Libya submitted its first report in November 2010. During the review process, 66 of the 120 recommendations were accepted, 24 were rejected and 30 were placed under consideration. After the February revolution, the recommendations under consideration were reviewed. All were accepted, except for one that was partially accepted. All but four of the rejected recommendations were accepted. A total of 115 recommendations have now been fully accepted and one partially accepted. However, owing to the events in Libya, it has not been possible to implement some of the recommendations.

4. The present report was prepared by a committee of Government experts, in coordination with the National Council on Civil Liberties and Human Rights, pursuant to Human Rights Council resolution 1/15 and decision 17/119 of 17 June 2011 on follow-up of Human Rights Council resolution 16/21 with regard to the universal periodic review.

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II. Legislative and institutional progress made by Libya since the revolution

A. Promulgation of the transitional Constitutional Declaration

5. The transitional Constitutional Declaration was promulgated on 3 August 2011.

6. Chapter I, article 2 of the Constitutional Declaration provides that the State shall work to establish a civilian, democratic political system based on political pluralism, with several political parties, in order to ensure the peaceful transfer of power.

7. Chapter II addresses the question of civil rights and liberties, and includes the following provisions of particular significance. Article 1 guarantees the linguistic and cultural rights of all components of Libyan society, including the Amazigh, Toubou and Touareg. Under article 7, the State is obligated to safeguard human rights and basic freedoms, and to work to adopt new legislation guaranteeing such rights and freedoms, including the right to work, education, health care and social insurance; the right to housing and ownership; the right to a fair trial with legal safeguards; the right to life and freedom of movement; the criminalization of torture; the right to freedom of expression; the right to conduct academic research, communications, freedom of the press and information; the right to peaceful demonstration and protest; and the right to form political parties and associations. Article 5 guarantees the protection of mothers, children and the older persons and care for children, younger persons and persons with special needs.

8. Article 30 sets out the timetable for a transitional period of 18 months beginning immediately on the removal of the former regime. It has been amended numerous times in the light of exceptional circumstances caused by certain challenges facing the democratic transition and the constitutional process.

B. Legislative and executive political institutions

National Transitional Council

9. The Council was established a few days after the outbreak of the revolution, on 23 February 2011 on a transitional basis, under Mustafa Abdul Jalil. It enacted an electoral law and established the Libyan High National Election Commission, which in turn organized the elections that provided the basis for the political institutions that would subsequently be formed.

Executive Office

10. The Executive Office was established by the National Transitional Council to act as interim Government and oversee activities in the areas liberated from the clutches of the former regime. It was headed by Mahmoud Jibril. The National Transitional Council and the Executive Office played a pivotal role in securing international recognition and taking the lead during a sensitive period.

Transitional Government

11. The Transitional Government was established after the declaration of liberation on 23 October 2011. It took over the functions of the Executive Office on 17 April 2012 and was headed by Abdurrahim El-Keib.

General National Congress

12. The General National Congress was established after the free and fair elections of 7 July 2012. It took over from the National Transitional Government on 8 August 2012. Some 1.7 million out of a total of 2.8 million eligible voters took part. According to 2006 statistics, the total population of the country was 5,298,152. Women accounted for 45 per cent of voters, 15 per cent of candidates and 33 of the 200 seats that were filled. The Congress was headed by Mohamed Yousef El-Magariaf.

Interim Government (Zeidan Government)

13. On 19 November 2012, the General National Congress elected an interim Government headed by Ali Zeidan. Confidence was subsequently withdrawn from the Zeidan Government, and Abdullah al-Thini was appointed to head a caretaker Government until the elections for the House of Representatives.

House of Representatives

14. In accordance with amendments to the Constitutional Declaration and with Law No. 10 (2014), free and fair elections were held on 25 June 2014, resulting in the establishment of the House of Representatives, which is the sole legislative power with international recognition. Some 630,000 people out of a total of 1.5 million eligible voters took part. 32 seats were allocated to women. However, the General National Congress, the term of which had expired, refused to hand over its power to the House of Representatives, creating a considerable challenge. The House of Representatives was headed by Aguila Saleh Gouider.

Interim Government (Al-Thini Government)

15. The House of Representatives asked Mr. Al-Thini to form an interim Government, which secured confidence on 28 September 2014.

Constitutional Drafting Committee

16. The Committee was elected on 20 February 2014 in accordance with Law No. 17 (2013) and began its work on 21 April. On 24 December 2014, it produced a draft constitution for discussion by specialists, stakeholders and representatives of civil society, whose views would be taken into consideration at the re-drafting stage.

C. Legislative and executive developments for the promotion and protection of human rights

17. Since August 2011, the Libyan authorities have enacted a range of laws and decisions formulating a conscientious approach to the promotion and protection of human rights. The most significant are set forth below.

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(i) Laws

- Law No. 4 (2011) amending Law No. 6 (2006) on the judiciary system;
- Law No. 5 (2011) establishing the National Council on Civil Liberties and Human Rights;
- Law No. 29 (2012) on the right to establish and join political parties;
- Law No. 50 (2012) on compensation for political prisoners;
- Law No. 63 (2012) establishing the Anti-Corruption Authority;
- Law No. 65 (2012) regulating the right to peaceful protest;
- Law No. 10 (2013) criminalizing torture, enforced disappearance and discrimination;
- Law No. 11 (2013) amending provisions of the Military Penal Code and Code of Criminal Procedure to specify that civilians shall not be tried by military courts;
- Law No. 17 (2013) on the election of the Constitutional Drafting Committee;
- Law No. 18 (2013) on the rights of cultural and linguistic groups;
- Law No. 23 ratifying the Montreal Protocol on Substances that Deplete the Ozone;
- Law No. 29 (2013) on transitional justice, which abrogates and supersedes Law No. 17 (2012) and establishes a fact-finding and national reconciliation commission, a fund for victims and an ombudsperson's office;
- Law No. 2 (2014) enacting certain provisions concerning the prohibition on weapons, ammunition and explosives.

(ii) Decisions

- Decision No. 39 (2012) of the Prime Minister establishing a committee in the Ministry of Justice to be known as the Permanent Committee to Monitor Human Rights in Libya;
- Decision No. 380 (2012) of the Council of Ministers establishing a psychological support centre for the victims of sexual violence, torture and other humiliating or degrading treatment;
- Decision No. 57 (2013) on the return of displaced persons from Batin al-Jabal, which provided that all of the displaced persons should return to their areas of origin in Batin al-Jabal;
- Decision No. 123 (2013) setting out a road map to resolve the conflicts among certain Libyan cities. The Decision requests the Public Prosecutor to establish a committee to register complaints and names of suspects in connection with the war of liberation. The Government should then publish a list of persons who stand accused by the Public Prosecutor and determine a time and mechanisms for displaced persons to return to their regions under the supervision of the Libyan Army;

- Decision No. 119 (2014) addressing the situation of the victims of sexual violence;
- Decision No. 455 (2014) establishing a fund to address the situation of the victims of sexual violence. The fund is regulated by Decision No. 409 (2014) of the Minister of Justice. Council of Ministers Decision No. 185 (2015) requests the Assistant Deputy responsible for human rights in the Ministry of Justice to comprehensively supervise and operationalize the fund, and to take the necessary legal measures for that purpose.

III. Economic, social and cultural rights

18. Although Libya has considerable economic resources, the policies of the former regime and the corruption that prevailed at the time have prevented the Libyan people from using its resources to build solid foundations for the range of State institutions in a range of areas, including education, health and housing. That situation had affected wide sections of the Libyan people in the enjoyment of their economic, social and cultural rights. After the revolution, numerous measures were taken to improve the living standards of the Libyan people. For instance, a law was adopted to raise the minimum public-sector wage and raise the minimum basic and social insurance allowances.

19. With regard to family development, a marriage support fund has been established in order to help people who are entering into marriage. Some other significant developments are set out below.

A. Right to education

20. Libya has kept education compulsory and free for boys and girls alike until the end of basic education. However, the challenges facing the country in the current phase have cast a shadow over the teaching process. Education has been significantly affected by the recent conflict, and some educational institutions have been targeted by armed groups.

21. Libya has strived to implement the Model Arab Plan for Human Rights Education for the period 2009-2014, which is aimed at integrating human rights principles into the education system, at all levels of education, and thereby ensure that generations of students will be reared to believe in and respect human rights. Libya has stepped up its efforts to implement that Plan by adding human rights as a distinct subject in the university-level curriculum.

22. With regard to the rights of cultural groups to education, the General National Congress adopted Law No. 18 (2013) on the rights of cultural and linguistic groups. The Centre for Educational Curriculums and Education Studies of the Ministry of Education was instructed to include the Amazigh language as a subject matter in the curriculum of grades one to four of primary school in those areas in which the language is spoken.

23. Given that all Libyans have a right to education, the Ministry of Education enrolled displaced students in the schools nearest to where they had been relocated. The State has also established schools in the refugee camps and provides

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transportation to school. It has furthermore established an office in the Ministry of Education for displaced persons' affairs. In the 2013/14 academic year, some 1,919 displaced students were enrolled in primary education and 285 were enrolled in secondary education in 13 camps.

24. A special school for children with tumours was established at Tripoli Medical Hospital. There are approximately 47 children enrolled in this school.

B. Right to health care

25. The State provides health care free of charge to citizens. It is responsible for building and maintaining hospitals and health clinics, staffing them with medical personnel and providing them with medical equipment and medicines on a permanent and ongoing basis.

26. Health-care services are provided by primary health-care facilities and group clinics, which are located throughout the country, as well as infectious disease centres in the main cities. There are also private clinics that provide treatment. The national vaccination programme is among the finest in the region. Thanks to that programme, polio has been eradicated and measles has been brought under control. With a vaccination rate of 95 per cent, there are no epidemics in Libya, nor are there any infectious diseases. The country has succeeded in eradicating polio, and no cases of that disease have been reported for more than 25 years. That fact was confirmed by the World Health Organization, which has declared Libya to be polio-free. Nonetheless, since the start of the 1990s, there has been a steady decline in the health-care system. There are several causes for that decline, some of the most important of which are:

- The international sanction imposed on Libya starting in 1992.
- Large numbers of Libyan medical personnel left the country because of the former regime's regimes repressive practices and owing to poor work and economic conditions.

27. The health-care sector has collapsed almost completely because of the country's current difficulties.

C. Protecting women's rights and empowering women

28. The Constitutional Declaration of August 2011, which will remain in force until a permanent constitution is adopted, provides that the State shall undertake to uphold human rights and fundamental freedoms, and that Libya is committed to acceding to those international instruments that protect such rights and freedoms.

29. Libya has been a party for quite some time to core international and regional instruments that address the issue of equality between men and women. Libya ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1995, although it did enter some reservations. It was also one of the first countries to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which includes a broad array of provisions concerning non-discrimination against women, including with regard to political life, access to justice and violence against women. Other

international instruments that Libya has ratified place upon it additional obligations to protect women's rights, ensure the equality of women before the law and protect against discrimination. Those instruments include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.

30. Despite significant security, social and political challenges, Libyan women have entered public life and they played an essential role in every aspect of the revolution. After decades of dictatorship, the situation of Libyan women is extremely varied. On the other hand, Libyan women are some of the most educated in the Arab world. More than half of all graduates in Libya are women, according to the United Nations Development Programme.

31. As part of the effort to address the crimes and atrocities committed by the former regime against all Libyans, including, in particular, Libyan women, and in order to pursue transitional justice, redress injury and overcome the negative consequences of the past, the Council of Ministers adopted a decision by which women who had been the victims of violence or raped in the war of independence are considered war victims. Those women are provided with medical and psychological care, and all forms of financial assistance. That same decision provides that they will be assisted in their efforts to take legal action against the perpetrators and bring them to justice, and ensure that perpetrators do not escape punishment. The State supports the establishment of small enterprises as a means of raising the living standard of widows, divorced women and women who provide for their families.

32. Although the vast political changes that are taking place in Libya offer unprecedented opportunities to change the legal and social status of women, including ensuring their full and true participation in the political process via the laws that regulate the process, the gains that have been made thus far remain tenuous and need to consolidated without delay through clear constitutional and legislative guarantees.

D. Rights of persons with disabilities

33. Owing to its abiding belief that incorporating the rights of persons with disabilities into an integrated rights framework is a strategic imperative, Libya has contributed to all the relevant regional and international initiatives and measures. It has also remained abreast of development in that regard, whether in respect of approaches or measures. Libya furthermore continues to believe firmly in the necessity of adopting a comprehensive legal approach to the question of persons with disabilities, instead of simply providing them with care and charity. The aims of such an approach can only be achieved by following an integrated social and economic policy in accordance with an integrated national plan that addressed the needs of persons with disabilities.

34. Council of Ministers Decision No. 20 (2012) on the adoption of the organizational structure and the competencies of the Ministry of Social Affairs, article 2, paragraph 18, provides that the Ministry shall be responsible for providing the services required by the residents of social institutions and centres for persons with special needs, managing their affairs and establishing the framework for their care and rehabilitation. Paragraph 19 of that same article provides that the Ministry

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shall be responsible for supervising and monitoring the operation of social care facilities; centres and institutions for the education and training of persons with special needs; and orphanages. The Ministry must also ensure that those facilities and institutions work together to provide integrated services. The following specialized bodies subsidiary to under the Ministry of Social Affairs are responsible for the care of persons with disabilities:

- The General Authority for the Social Security Fund
- The Centre for Training Persons with Disabilities, Benghazi
- The Centre for Training Persons with Disabilities, Janzur
- The Sawani Centre for Training Persons with Disabilities
- The National Commission for Persons with Disabilities

35. It should be noted that Law No. 5 (1987) on persons with disabilities remains in effect.

IV. National human rights institutions

A. National Council for Civil Liberties and Human Rights

36. The National Council for Civil Liberties and Human Rights was established pursuant to Law No. 5 (2011), which was promulgated by the National Transitional Council on the basis of the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Council strives to preserve, strengthen and defend civil rights, monitor and document violations of those rights, and support and encourage civil society organizations. It publishes an annual report and biannual reports on its activities.

37. According to the 2013 annual report, the Council had noted incidents in which human rights had been violated and civil liberties had been attacked. The Council had also taken note of and documented various incidents that were reported to it or of which it had become aware, including torture, forced disappearance, extrajudicial killings, several cases of perpetrators not being brought to justice, extrajudicial detention, a rise in illegal migration, the humanitarian situation of refugees and displaced persons, attempts to curtail freedom of expression and other violations. In its reports, the Council has stated that it was profoundly concerned at and greatly disturbed by the overall situation of human rights and civil liberties. It has also warned of the dangerousness of the situation and stressed the need to fulfil the responsibility to establish the authority of the State and draw a clear road map for building State security institutions. The security situation has affected the Council's work and led the Office of the United Nations High Commissioner for Human Rights (OHCHR) to issue a statement on 24 October 2014 in which it expressed deep concern at reports of threats and intimidation directed against Libya's national human rights institution, the National Council for Civil Liberties and Human Rights, based in Tripoli.

B. The Civil Society Commission

38. The Civil Society Commission falls under the Ministry of Culture and Civil Society and was established by Council of Ministers Decision No. 649 (2013) amending Decision No. 12 (2012) on the establishment of the Commission. The Commission is responsible for registering civil society organizations, approving their charters and monitoring them to ensure that they carry out their work in accordance with the legislation in force. It also provides civil society organizations with logistical and technical support and advice. To date, the Commission has registered more than 3,000 such organizations.

39. The Commission regulates the work of international civil society organizations that wish to operate in Libya, in coordination with the competent authorities and in accordance with the legislation in force.

40. The Commission also adopts plans and programmes to enhance its work and build the capacities of its staff, and organizes and sponsors workshops and training programmes to develop the capacities of the staff of civil society organizations, in cooperation with national and international agencies and institutions.

41. The Commission is run by a board of directors composed of a president, a vice-president and five members. The board's members are nominated by the Minister of Culture and Civil Society and appointed by a decision of the Council of Ministers. The Commission is headquartered in Benghazi, with branches in Jadu, Tripoli, Misratah, Sabha and Bayda. The United Nations Support Mission in Libya (UNSMIL), the European Union, the various international development agencies and international non-governmental organizations all play a great role in providing technical and professional support to the Commission and in building the basic capacities of Libyan civil society leaders.

V. Libya's relations with the Human Rights Council and its mechanisms

42. The UNSMIL Human Rights, Transitional Justice and Rule of Law Division plays a prominent role in strengthening the rule of law and monitoring and protecting human rights, in accordance with legal obligations of the Libyan State. It also helps the Libyan authorities to reform and build up the justice system, supports the formulation and implementation of a comprehensive strategy for transitional justice and supports work aimed at ensuring humane and appropriate treatment of detainees. The Division, in coordination with OHCHR, contributes to reports on the situation of human rights in Libya.

43. Libya is one of the States that has extended an open invitation to all special procedures mandate-holders. It has also invited the High Commissioner for Human Rights to visit the country, but the High Commissioner has yet to do so. In 2013, the General National Congress ratified the Convention on the Rights of Persons with Disabilities.

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VI. Internally displaced persons and persons displaced to neighbouring States

44. Law No. 29 (2013) on transitional justice provides accountability and reparations mechanisms for victims of human rights violations committed since 1969. The Law also stipulates the establishment of an agency for the affairs of internally displaced persons. This agency has the authority to inspect their conditions, make it possible for them to exercise their rights and prevent discrimination against them.

45. The office of the Prime Minister has formed a number of crisis committees, including a committee on the crisis in the south, the purpose of which is to provide humanitarian assistance to persons harmed in incidents of violence.

46. On 2 October 2014, the Transitional Government pledged to pay school fees of all Libyan students in Egypt and Tunisia.

47. On 18 February 2015, the Council of Ministers of the interim Libyan Government held a face-to-face meeting with the House of Representatives committee on displaced persons' affairs of the to discuss the conditions of internally displaced persons and persons displaced to neighbouring States, at which the following was decided:

- Displaced persons and refugees would be identified, and efforts would be combined and coordinated to provide them with proper assistance. Bodies and agencies with responsibilities similar to the Ministry of Labour and Social Affairs should be abolished and all aid operations put under the supervision of the Ministry, in order to avoid fragmentation of efforts and ensure that assistance reaches its rightful recipients;
- Libyan embassies would be instructed to assist all Libyans abroad with administrative procedures, in particular passport renewal, without exception or discrimination;
- The Ministry of Labour and Social Affairs would be charged with identifying displaced persons and refugees and preparing a comprehensive database on them, and proposing a mechanism to provide them with assistance. Persons displaced by armed conflicts living in schools, institutes and public places would be identified, and alternative locations would be proposed in accordance with the capacities available to the Ministry. The Ministry of Social Affairs has issued Decisions Nos. 264 and 265 opening offices for displaced persons in Egypt and Tunisia, and within Libya, and to offer cash and in-kind assistance and rental subsidies to such displaced persons.

VII. Responses to recommendations

Recommendations 93.4-5, 93.8-10, 93.35, 93.39 and 93.58 on promoting respect for human rights and human rights education

48. The post-revolutionary transitional authorities have taken note of these recommendations and taken tangible measures to enact the legislation necessary to implement them, including the following:

- The Constitutional Declaration includes a chapter addressing rights and civil liberties that contains the following provisions of particular significance. Article 1 guarantees the linguistic and cultural rights of all components of Libyan society, including the Amazigh, Toubou and Touareg. Under article 7, the State is obligated to safeguard human rights and basic freedoms, and to work to adopt new legislation guaranteeing such rights and freedoms, including the right to work, education, health care and social insurance; the right to housing and ownership; the right to a fair trial with legal safeguards; the right to life; the criminalization of torture; the right to freedom of expression; the right to conduct academic research, communications, freedom of the press and information; the right to freedom of movement; the right to peaceful demonstration and protest; and the right to form political parties and associations. Article 5 guarantees the protection of mothers, children and the older persons and care for children, younger persons and persons with special needs.

- Decision No. 12 (2011) concerning the abolition of the so-called People's Authority. Article 2 of that Decision provides for the abolition of the Revolutionary Committees Movement, the Revolutionary Guard, the revolutionary action teams, the social leaderships, the comradeship leagues and all the organizations connected with them. Their headquarters and offices will revert to the public authorities.

- Law No. 5 (2011) establishing the National Council on Civil Liberties and Human Rights;

- Law No. 65 (2012) regulating the right to peaceful demonstration;

- Law No. 18 (2013) on the rights of cultural and linguistic groups.

49. In addition, the legislature has identified those punitive laws that must be brought into line with international human rights standards. The Ministry of Justice is working with the United Nations Office on Drugs and Crime (UNODC) to develop a plan to review Libyan criminal legislation. Committees have been formed and workshops have been held in that regard.

50. With regard to education, since the beginning of the transitional period, substantial attention has been devoted to increasing respect for and enhancing protection of human rights and basic freedoms. Numerous symposiums and workshops have been held specifically for women, children and other groups that require special attention, in order to raise their awareness of their rights and duties. The media have been used in those awareness-raising efforts.

51. Numerous activities have been conducted in coordination with UNSMIL and international and local civil society organizations. In addition, focus has been placed on developing educational curriculums at the primary level that instil a sense of national belonging and the concept of the rights of citizenship. At the university level, focus has been placed on incorporating human rights-related educational programmes and materials.

52. In addition, programmes have been put in place to raise awareness in certain important sectors, such as the Ministry of Defence. An office for human rights and international humanitarian law has been established in that Ministry. In addition,

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numerous awareness-raising programmes have been set up for the judicial police and prison sectors, and numerous training courses have been held.

Recommendations 95.1-4, 95.23, 96.1 and 96.4-5 calling on Libya to accede to those international human rights conventions to which it has not yet acceded

53. Article 7 of the Constitutional Declaration, which was promulgated on 3 August 2011, stipulates that the State must accede to all international and regional agreements and pacts related to the promotion and protection of human rights. The commitment to that provision is attested to by the accession of Libya to the Convention on the Rights of Persons with Disabilities.

Recommendation 95.7 encouraging the national human rights institution to seek accreditation from the international coordinating committee

54. By virtue of Law No. 5 (2011), a National Council for Civil Liberties and Human Rights was established in accordance with the Paris Principles. It is an independent body that aspires to become an advisory body.

Recommendations 93.61 and 95.9-12 on inviting the special procedures mandate-holders to visit Libya

55. In March 2012, Libya extended an open invitation to all special procedures mandate-holders. Libya had approved the visit requests of some of the special procedures mandate-holders and others. The visits have not yet taken place, despite approval by the Libyan authorities.

Recommendations 93.14-15, 93.20-28, 93.33, 93.36, 93.50, 95.8 and 98.27-28 on prohibiting discrimination against women and advancing their status

56. Equality between the sexes before the law is guaranteed by provisions of the interim Constitutional Declaration promulgated on 3 August 2011, as well as by the laws in force. The Constitutional Declaration, article 6, provides that all individuals in society, both men and women, are equal in the enjoyment of civil right, political rights, and equality of opportunity, without discrimination on the basis of sex. Moreover, women are guaranteed all rights, including the freedom to form associations. These framework proposals were confirmed by the draft constitution disseminated by the Constitution Drafting Assembly in December 2014 as an initial draft to stimulate discussion across all segments of society.

57. There is no discrimination against women to speak of in any of the laws in force. On the contrary, Libyan legislation represents gains for women and strives for their protection and development.

58. With regard to employment of women in State institutions, there are no legal obstacles preventing women from obtaining employment. On the contrary, they hold the lion's share of public posts. Libyan women hold approximately 60 per cent of public posts.

59. Law No. 58 (1971), article 95, provides that women may not be employed in difficult or dangerous jobs. Article 97 of that Law allows a working woman nursing her child daily nursing breaks of not less than half an hour during working hours. The Social Insurance Act, Law No. 13 (1980), provides for three months of maternity leave for working women.

60. With regard to marriage, divorce, inheritance and the granting of citizenship to the children of women married to foreigners, the Islamic sharia and national legislation regulate marital relations and forbid sexual relationships outside of marriage. There is no question that the observations made in this regard touch in a major way on the particular religious character of Libyan society, which is Muslim in nature, and the laws of which governing personal status and relations are derived from the principles of the sharia. Within that framework, the rights granted to women are equal to those of men, but they are not completely identical, given the qualitative and natural differences between the sexes. Insisting on a kind of equality that does not take into account these considerations would detract from the dignity and rights of women. The observation regarding women inheriting half of a man's share might perhaps reflect a lack of precise knowledge of the law of inheritance in Islam. Under the Islamic sharia, a woman inherits half of a man's share in four circumstances, a share equal to that of a man in 12 circumstances, and a share greater than that of a man in 15 circumstances. There are also five circumstances in which a woman inherits and a man does not.

61. The specificities of the religion, culture, society and sources of national law in each country reflect the essential cultural diversity that has been recognized by international pacts. Such specificities enrich the human values that are the property of all.

62. With regard to the issue of Libyan mothers married to foreigners not being permitted to pass Libyan citizenship on to their children, we draw your attention to Law No. 24 (2010) concerning provisions for Libyan citizenship, article 11 of which gives Libyan women the right to pass Libyan citizenship on to their children. An implementing regulation was supposed to have been put in place for that article. However, the political and security turmoil of Libyan affairs has not allowed for the promulgation of that implementing regulation. The Law remains in force at the present time.

Recommendations 93.12, 93.31 and 93.48 on the rights of the child

63. The Government strives to create a suitable environment that provides protection to children, who account for one third of the inhabitants of Libya. That includes institutional capacity building, such as the establishment of a High Council for Childhood; the establishment of training programmes for social workers at the Ministry of Social Affairs in cooperation with the United Nations Children's Fund; and the harmonization of child protection laws with international standards. At the same time, Ministry of Social Affairs, in cooperation with local councils, has undertaken to establish creativity centres to develop and channel children's activities and create safe play spaces for children by building playgrounds in major cities damaged by the conflict. Libya is among the States that have extended an open invitation to all special procedures mandate-holders. With regard to the issue of Libyan mothers married to foreigners Libyan not being permitted to pass Libyan citizenship on to their children, we draw attention to Law No. 24 (2010) concerning provisions for Libyan citizenship, article 11 of which gives Libyan women the right to pass Libyan citizenship on to their children. It should also be noted that Law No. 5 (1987) concerning persons with disabilities remains in force. It grants a number of benefits to persons with disabilities in general and children in particular.

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Recommendations 93.1, 93.29-32, 93.54, 93.57 and 95.3 on persons with disabilities

64. Council of Ministers Decision No. 20 (2012) on the adoption of the organizational structure and the competencies of the Ministry of Social Affairs, article 2, paragraph 18, provides that the Ministry shall be responsible for providing the services required by the residents of social institutions and centres for persons with special needs, managing their affairs and establishing the framework for their care and rehabilitation. Paragraph 19 of that same article p provides that the Ministry shall be responsible for supervising and monitoring the operation of social care facilities; centres and institutions for the education and rehabilitation of persons with special needs; and preschools, and also the provision of supplementary services for such facilities. The following specialized bodies under the Ministry of Social Affairs are responsible for the care of persons with disabilities:

(a) The General Authority for the Social Security Fund;

(b) The Centre for Training Persons with Disabilities, Benghazi;

(c) The Centre for Training Persons with Disabilities, Janzur;

(d) The Sawani Centre for Training Persons with Disabilities;

(e) The National Commission for Persons with Disabilities.

65. It should be noted that Law No. 5 (1987) concerning persons with disabilities remains in force. It gives persons with disabilities the rights to one or more of the following benefits:

- Shelter; subsidized housing services; assistive equipment (reimbursable); education; therapy or rehabilitation; suitable work for those who have received therapy or rehabilitation; follow-up for those of them who are working; tax exemption for the proceeds of activities engaged in by those who are self-employed; access to facilities for the use of public transport; customs exemptions for items that they must import because of their disabilities; and facilitated access to public spaces. In addition, in 2013, the General National Congress ratified the Convention on the Rights of Persons with Disabilities.

Recommendations 93.13, 93.49, 93.53, 93.55-57 and 93.59 on the improvement of education and health care

66. The previous regime did not devote the necessary attention to these two sectors. Although compulsory education at the primary level was free of charge, and education was also available in the private sector, there was no focus on improving the quality of education by keeping up with the latest developments in educational materials and curriculums across the various fields of science and learning.

67. Following League the adoption of Arab States resolution 391 of 2007, which provided for the drafting of a model Arab plan for human rights education for the 2009-2014 period, the Standing Human Rights Committee issued recommendations on the basis of which a study of the plan and education research were conducted, and educational materials containing human rights concepts were identified for all education levels. On 9 February 2014, a national plan was set forth for implementation of the Arab plan for human rights education. However, owing to the difficult circumstances and challenges being faced by Libya during the transitional

period, many goals were not achieved. Energies have been diverted towards addressing the repercussions of exceptional security-related events, in particular enrolment by displaced students in the schools nearest to their places of residence. In addition, a special school for children with tumours has been established at Tripoli Medical Hospital, with approximately 47 students enrolled.

68. With regard to health care, the State as undertaken to provide health services to citizens free of charge, to build and maintain hospitals and health clinics, and to provide medical teams, medical assistance, equipment and medicine on a permanent ongoing basis.

69. Health-care services are provided by primary health-care facilities and group clinics, which are located throughout the country, as well as infectious disease centres in the main cities. There are also private clinics that provide treatment. The national vaccination programme is among the finest in the region. Thanks to that programme, polio has been eradicated and measles has been brought under control. With a vaccination rate of 95 per cent, there are no epidemics in Libya, nor are there any infectious diseases. The country has succeeded in eradicating polio, and no cases of that disease have been reported for more than 25 years. That fact was confirmed by the World Health Organization, which has declared Libya to be polio-free. Nonetheless, since the start of the 1990s, there has been a steady decline in the health-care system. There are several causes for that decline, some of the most important of which are:

- The international sanction imposed on Libya starting in 1992.
- Large numbers of Libyan medical personnel left the country because of the former regime's regimes repressive practices and owing to poor work and economic conditions. The health-care sector has collapsed almost completely because of the country's current difficulties.

Recommendations 93.60-93.65 on illegal migration

70. Libya believes that illegal migration is not simply a unilateral or bilateral problem. It is a challenge to all States, although they might not all be equally affected. While Libya plays a part in this equation, it has also suffered as a result of illegal migration. Motivated by humanitarian and moral considerations, Libya is now striving to confront this challenge and find appropriate solutions, in accordance with the human and financial resources at its disposal. It is doing so in cooperation with neighbouring States and the European Union. Libya is not a source country of migration, but, rather, a transit country. It has no interest in this phenomenon, which has placed a heavy burden on the economy and society and affected the country's security. The responsibility to address illegal migration therefore rests not only with Libya, but requires a concerted effort at the regional and international levels. Libya has spared no effort to engage in dialogue with the countries of the Mediterranean and south Mediterranean countries, with a view to coordinating efforts in response to this problem.

71. In that connection, the first regional ministerial meeting on border security was held in Tripoli in March 2012. At the conclusion of that meeting, the participants adopted the Tripoli Action Plan, which is aimed at improving border monitoring and security in North Africa, the Sahel and the Sahara; strengthening dialogue and consultation among the States of the region and international partners;

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enhancing operational cooperation in security matters, including with regard to the challenges posed by illegal migration, countering terrorism, organized crime and the smuggling of weapons and drugs; sharing border-control experience and expertise; and establishing mechanisms for coordination and the exchange of information among security agencies. Libya has taken measures to address the challenges posed by illegal migration, including:

- In June 2011, Libya and the Italian Government signed a cooperation agreement on combatting illegal migration, terrorism, organized crime and the trade in drugs;
- Libya, in cooperation with the European Union, has trained some technical professionals;
- The International Organization for Migration (IOM) is working with the Libyan Government to help migrants return voluntarily to their countries. The Ministry of the Interior and the Department to Counter Illegal Migration are being provided with technical assistance to create a biometric registration system, develop operating procedures for border posts and train personnel. Some 800 migrant centres are also receiving assistance, in order to improve the management of those centres and build the capacities of the local authorities in migration matters.

Recommendations 93.37 and 93.38 on enacting a law prohibiting human trafficking

72. The Government will look into enacting a law prohibiting human trafficking upon the conclusion of a detailed study of the matter. Consultations are being held in that regard with IOM.

Recommendations 95.4-5, 96.4-5 and 96.21-24 on the right to asylum and accession to the relevant instruments

73. The Constitutional Declaration, article 10, guarantees the right to asylum and the non-refoulement of political asylum seekers. Libya is still considering the question of acceding to those instruments to which has not yet acceded. This is a very important matter, and completing the establishment of the country's constitutional institutions will be a positive step in that regard. Libya is party to the Convention Governing the Specific Aspects of Refugee Problems in Africa, which entered into force on 20 June 1974.

Recommendations 93.2-3, 93.40, 95.2, 95.6, 95.10-12, 95.22-23, 96.1-3, 96.9 and 96.11 on arbitrary detention, torture and forced disappearance

74. Addressing these matters is not an easy task in view of the institutional and security challenges that Libya has experienced. Nonetheless, Law No. 29 (2013) on transitional justice has been promulgated. Under that law, detainees must either be charged or released within specific time frames. However, the difficulties the country has been experiencing have had an adverse effect on the enforcement of that Law. The Ministry of the Interior has instructed all prisons to adhere to international standards regarding prison management and the treatment of prisoners, including with regard to interrogation and referral to the courts. The Public Prosecutor has formed four committees to classify the cases of those prisoners being held in the

prisons of the Ministry of the Interior, the most important of which are Kuwafiyah Prison in Benghazi; Ayn Zarah and Birkah prisons in Tripoli; Majir Prison in Zalaytan; and Jawadim and Sal'ah prisons in Zawiyah. It is worth noting that, in March 2012, Libya extended an open invitation to all special procedures mandate-holders. It has also agreed to allow the Working Group on Arbitrary Detention to visit the country, but the Working Group has yet to do so. Several international non-governmental organizations have been allowed to visit Libyan prisons.

75. There is no doubt that any violations that occur are committed by individuals and are subject to the Penal Code. They occur primarily in places where armed groups are active. The National Council on Civil Liberties and Human Rights receives complaints regarding civilians affected by such violations. Law No. 10 (2013) criminalizing torture, forced disappearance and discrimination was promulgated.

Commissions have been formed to investigate and take action on a number of cases that were referred to the Public Prosecutor:

- An investigative commission was established pursuant to Decision No. 98 (2012) to investigate 21 cases, one of which had been adjudicated and 20 of which had been investigated and referred to the courts for trial;
- Investigative commissions were established pursuant to Decision No. 49 (2013) to investigate cases that were being processed by the security authorities in Misratah. The number of cases that had been reviewed was 732, while 1,801 cases had not been reviewed. In addition, some 118 cases had been adjudicated and 154 had been referred to the indictment division. Lastly, the accused in 338 of the cases had been released;
- A commission was established pursuant to Decision No. 53 (2013) to investigate and take action on 35 cases. Action had been taken in 27 of the cases, while eight cases were pending;
- An investigative commission was established pursuant to Decision No. 121 (2014) to investigate cases being processed by the security authorities in Zalaytan. The commission interviewed 148 detainees, of whom 48 were released. The remaining cases were referred to the indictment division;
- There are several important cases that are still being investigated pursuant to Decision No. 10 (2014) regarding the events that occurred in 1996 at Abu Salim Prison; Decision No. 107 (2014) regarding the incidents that occurred on the motorway; and Decision No. 157 (2014) on the Gharghur massacre;
- Two fact-finding commissions were established pursuant to a decision of the Minister of Justice, one of which is looking into incidents of armed violence and the other into the incidents that occurred in the south.

Recommendations 93.24 and 96.13-21 on the abolition of the death penalty

76. The Libyan legislature is striving to restrict the use of the death penalty. Legal measures have been introduced to minimize the use of the death penalty, the most significant of which are the payment of blood money and renunciation by guardians of their rights. The latter measure greatly reduces the number of cases in which the death penalty is carried out. There is an ongoing debate between those who call for

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the abolition of the death penalty and those who argue that is necessary to maintain it because of the sharia and in order to deter those who do not hold dear human life.

Recommendations 95.24-25 on provisions in the Penal Code of Libya concerning corporal punishment

77. The legislature has identified those punitive laws that must be brought into line with international human rights standards. The Ministry of Justice and UNODC are working together to review the laws of Libya. To that end, committees have been formed and workshops held with the support of UNSMIL and the National Council for Civil Liberties and Human Rights. Libyan law addresses four types of hudud crimes (crimes against God): adultery, false accusation, theft and hirabah (unsanctioned violence).

78. Under Law No. 70 (1973) on the crime of adultery, the offence is punishable by flogging. In addition, a discretionary penalty of imprisonment may be imposed. The Law requires that there should be four witnesses to the act in order to establish that the offence has occurred. The adulterer must also clearly and unequivocally confess to the crime. Witnesses will be considered to have made a false accusation if the required number of witnesses is not assembled or the accused denies committing the crime.

79. False accusation occurs when a person falsely alleges that a man or woman has committed adultery. Pursuant to Law No. 52 (1974), article 52, the person making the false allegation must confess at least once to the judicial authorities or before two men in order to establish that the offence has occurred. Article 14 of that same Law provides that the penalty of flogging cannot be carried out until a definitive judgement has been handed down. It also provides that penalty can only be carried out after a medical examination has been conducted and it is determined that carrying out the penalty poses no danger. The Law furthermore stipulates that the penalty shall be carried out at a police station and in the presence of a representative of the Public Prosecutor; establishes how the penalty is to be carried out and the conditions that must be met; and sets out how the penalty is to be carried out on women. The Law provides that the flogging of a pregnant woman shall be postponed until two months have passed from the time she has given birth. The charges shall be dropped if the falsely accused person forgives the accuser. The crimes of theft and hirabah have been abolished; they have been superseded by the provisions of the Penal Code.

Recommendations 95.26 and 96.10 on the latest developments in the question of Abu Salim Prison

80. The office of the Public Prosecutor is still investigating this heinous crime, which resulted in the killing of 1,270 Libyan nationals. The matter will be referred to the courts as soon as the investigation has been completed.

Recommendation 96.12 on the abolition of special courts and related institutions

81. All special courts, which were prevalent during the previous regime's rule, were abolished pursuant to article 23 (2) of the Constitutional Declaration. In addition, in the State Security Court and the Popular Prosecution Office were abolished and all laws related to the establishment of special courts were abrogated.

Recommendations 93.41-43, 95.29-30 and 96.14-20 on freedom of expression, the press and association, and the formation of parties

82. Freedom of opinion, expression, the press and the media are guaranteed under the Constitutional Declaration, paragraph 14, while laws restricting the freedom of the press and the media were abrogated by article 35 of that same document, including Law No. 120 (1972), Law No. 76 (1972) and Law No. 75 (1973). With regard to the lifting of the prohibition on the formation of political parties, the Constitutional Declaration, article 15, rescinds the ban on the formation of political parties and peaceful associations. Accordingly, Law No. 29 (2012), which regulates the establishment of political parties and sets out conditions for the membership thereof, was promulgated.

VIII. Challenges and difficulties

83. The Libyan Government reiterates its full commitment to respect and strengthen human rights. Libya strived assiduously to embed this commitment into the Constitutional Declaration, which was promulgated on 3 August 2011. Accordingly, the commitment to respect and protect human rights is addressed in its article 7. The Libyan Government has also repeatedly reaffirmed, in all international forums, its complete commitment to fulfil the undertakings into which it has entered in respect of all international human rights instruments and to continue to press ahead with efforts to promote and protect human rights and fundamental freedoms. However, the Government is facing significant security, political and economic challenges, and they are preventing it from achieving those goals. Those challenges are as follows:

- **The security and political crisis:** The national dialogue that is being led by UNSMIL must be brought to a successful conclusion in order to extricate the country from its present crisis, complete the drafting of a constitution and adopt it, and bring to a close the transitional stage.
- **Proliferation of weapons:** The repercussions of the war the Libyan people waged against the former regime continue to be felt to this day, particularly the proliferation of weapons. The State has not been able to collect the weapons that civilians have amassed because they are reluctant to surrender them on the grounds that they need them for personal protection. In addition, military groups and militias, some of which are ideologically affiliated with certain parties, can be used to revolt against the authorities, in case those parties do not succeed at the ballot box. This is what happened after the 2014 elections. The absence of functioning military and security institutions has resulted in a comprehensive lack of security. It is necessary to adopt a comprehensive national policy in order to control the proliferation of weapons and dissolve all armed groups operating outside State control.
- **Institution building:** A national plan to rebuild State institutions, particularly the Army, the law enforcement agencies and the judicial system, must be developed. In addition, better security must be provided to prosecutors and judges and for courts, in order to strengthen rule of law and prevent impunity.
- **Terrorism:** A comprehensive counter-terrorism strategy that addresses both the regional and international aspects of the issue must be developed in order

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to respond to the proliferation of terrorist and extremist groups and the grave human rights violations that they commit.

- **Transitional justice and national reconciliation:** The transitional justice system must be operationalized and efforts aimed at achieving national reconciliation must be resumed and put on the right track.
- **Detainees:** It is important to wrest control of all detention centres from the hands of armed groups and put them back under State control.
- **Return of internally and externally displaced persons:** A comprehensive strategy must be developed to enable these persons to return to their homes.
- **Revitalizing the economy:** Efforts must be made to decentralize the economy; strengthen the role that local councils play in ensuring the resumption of vigorous economic activity in Libya; and bring down employment among youth, who are joining armed groups because of a lack of meaningful work opportunities that can provide them with an alternative to bearing arms and fighting with those groups.
- Countering illegal migration: Addressing this issue requires the development of a comprehensive strategy, in cooperation with IOM, neighbouring States and the States of the European Union.

84. The Libyan Government is keenly aware that strengthening human rights and putting an end to human rights violations requires a concerted national effort to rebuild State institutions, re-establish security and enforce the law. It is also particularly important to implement an effective programme to disarm and demobilize individuals and properly reintegrate them into State institutions in the context of a development plan; step up efforts to build the Army and the police; and enhance national capacity to address the various challenges associated with such types of transnational crime as terrorism, smuggling in all its forms and illegal migration. At the same time, transitional justice efforts must continue and endeavours to achieve national reconciliation and social justice must be supported. Libya hopes that the international community and UNSMIL will continue to provide it with the technical support it needs to address challenges that are beyond the capacity of any single State on its own.

Conclusion

85. The Libyan Government would like to express its thanks to the Working Group on the Universal Periodic Review and reaffirm its commitment to strive to implement those recommendations it has accepted. In that connection, we call for a genuine partnership with all relevant international and civil society organizations, in order to give effect to and strengthen human rights in Libya.

United Nations A/HRC/WG.6/22/LBY/2

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Libya

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (1968)		ICCPR-OP 2
	ICESCR (1970)		OP-CAT
	ICCPR (1970)		CRPD (signature, 2008)
	CEDAW (1989)		ICPPED
	CAT (1989)		
	CRC (1993)		
	OP-CRC-AC (2004)		
	OP-CRC-SC (2004)		
	ICRMW (2004)		
	CRPD (signature, 2008)		
Reservations and/or declarations	ICERD (general declaration/ reservation: art. 22, 1968)		
	ICESCR (declaration, 1970)		
	ICCPR (declaration, 1970)		
	CEDAW (general reservation, 1995)		
	OP-CRC-AC (declaration, art. 3, para. 2, minimum age of recruitment 18, 2004)		
Complaints procedures, inquiries and urgent action[3]	ICCPR-OP 1 (1989)		ICERD, art. 14
	OP-CEDAW, art. 8 (2004)		OP-ICESCR
	CAT, art. 20 (1989)		ICCPR, art. 41
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW, arts. 76 and 77
			OP-CRPD
			ICPPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide		Rome Statute of the International Criminal Court
	Conventions on stateless persons[4]		Conventions on refugees[8]
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[5]		ILO Conventions Nos. 169 and 189[9]
	Palermo Protocol[6]		Additional Protocol III to the 1949 Geneva Conventions[10]
	ILO fundamental conventions[7]		
	UNESCO Convention against Discrimination in Education		

1. In 2015, the United Nations High Commissioner for Human Rights recommended that Libya take all necessary steps to ratify OP-CAT, ICPPED, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and OP-ICESCR and withdraw its reservations to CEDAW.[11]

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Libya accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[12]

B. Constitutional and legislative framework

3. The High Commissioner for Human Rights recommended that Libya ensure full support to the Constitution Drafting Assembly and an inclusive and consultative drafting process, leading to a constitution that was fully compliant with international human rights standards, safeguarding dignity, non-discrimination, equality and human rights for all.[13]

4. In September 2014, the Secretary-General stated that much remained to be done to deal with unresolved issues regarding the participation of the Amazigh community, assert the independence of the constitutional process and protect it against the risks of intimidation and violence.[14]

5. The International Commission of Inquiry (COI) on Libya recommended ensuring that the future Constitution of Libya incorporated international human rights law defined in the human rights treaties ratified by Libya, undertaking legislative reform to incorporate international crimes into the Criminal Code, and repealing any statutory limitations applying to such crimes.[15]

C. Institutional and human rights infrastructure and policy measures

6. In December 2011, a decree was adopted establishing the National Council for Civil Liberties and Human Rights (NCCLHR),[16] which effectively began operating in 2013.[17] The High Commissioner for Human Rights noted that the establishment of NCCLHR was a positive development.[18]

7. The High Commissioner for Human Rights stated that the United Nations Support Mission in Libya (UNSMIL)/Office of the United Nations High Commissioner for Human Rights (OHCHR) had received reports of threats and intimidation targeting staff of

NCCLHR. In October 2014, a staff member had left Tripoli after receiving a threatening phone call. In November 2014, armed men in military uniform had reportedly arrived at the NCCLHR headquarters, locked the doors and publicly proclaimed that it was being closed by Libyan Dawn.[19]

Status of national human rights institutions[20]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[21]
National Council for Civil Liberties and Human Rights	–	B (2014)

II. Cooperation with human rights mechanisms

8. On 25 February 2011, in its special session, the Human Rights Council (HRC) adopted resolution S-15/1, in which it decided to dispatch urgently an independent, international commission of inquiry to Libya to investigate all alleged violations of international human rights law.[22] The International Commission of Inquiry (COI) presented its first report to HRC in June 2011 and its final report in March 2012.[23] In its resolution 22/19, HRC encouraged Libya to implement fully the recommendations of COI.[24] The High Commissioner for Human Rights also encouraged the implementation of the recommendations set out in the report of COI.[25]

A. Cooperation with treaty bodies[26]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	March 2004	–	–	Combined eighteenth and nineteenth reports overdue since 2006
CESCR	November 2005	–	–	Third report overdue since 2007
HR Committee	October 2007	–	–	Fifth report overdue since 2010
CEDAW	January 2009	–	–	Combined sixth and seventh reports overdue since 2014
CAT	May 1999	–	–	Fourth report overdue since 2014 (initially due in 2002)
CRC	June 2003	–	–	Combined third and fourth reports overdue since 2008
				Initial OP-CRC-SC and OP-CRC-AC reports overdue since 2006
CMW	–	–	–	Initial report overdue since 2005

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2008	Violence against women; adoption of the new penal code; limitations of the right to freedom of opinion and expression and revision of the Publication Act of 1972[27]	2009[28] and 2010[29]
CEDAW	2011	Temporary special measures for gender equality; and male guardianship over women[30]	Reminders sent in 2012 and 2013[31]

Views

Treaty body	*Number of views*	*Status*
HR Committee	10[32]	Further information requested[33]

B. Cooperation with special procedures[34]

	Status during previous cycle	*Current status*
Standing invitation	No	Yes
Visits agreed to in principle	Arbitrary detention	Disappearances
	Freedom of expression	Arbitrary detention
	Torture	Mercenaries
Visits requested	–	Migrants
		Violence against women
		Summary executions
Responses to letters of allegations and urgent appeals	During the period under review, 16 communications were sent. The Government replied to 3 of them.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

9. UNSMIL was established by the Security Council in September 2011, under the leadership of a Special Representative of the Secretary-General,[35] with a mandate to provide assistance in a number of areas, including supporting Libyan efforts to "promote the rule of law and monitor and protect human rights".[36] OHCHR continued to provide support to the human rights mandate of UNSMIL. The Director of the UNSMIL Human Rights, Transitional Justice and Rule of Law Division represented the High Commissioner in Libya.[37]

10. UNSMIL and OHCHR supported the efforts of Libya to build the capacity of institutions dealing with human rights, transitional justice and the rule of law and provided recommendations to Libya on establishing a robust legal framework; strengthening national human rights bodies; ensuring effective administration of justice; developing comprehensive transitional justice processes; and addressing the needs of social groups.[38]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

11. The United Nations Country Team (UNCT) indicated that, in February 2013, the Supreme Court had annulled an article within Law No. 10/1984 on the Rules of Marriage, Divorce and their Effect, which had required men to obtain permission of the court if they were to marry a second wife. In April 2013, the Grand Mufti had issued a fatwa prohibiting women from travelling without a male guardian.[39]

12. UNCT stated that, while Law No. 24/2010 on Rules of Libyan Nationality granted Libyan nationality to anyone born in Libya to a Libyan mother and a father of unknown nationality, no legislation was in place to ensure the right of Libyan women married to men of a known foreign nationality to confer their Libyan nationality on their husbands or their children.[40]

13. UNHCR recommended that Libya ensure that mothers were able to pass their nationality to their children, regardless of the status or nationality of the child's father, and ensure the full and effective implementation of the obligations Libya had undertaken under the two statelessness conventions and general human rights instruments.[41]

14. UNHCR indicated that refugees and asylum seekers from Sub-Saharan Africa proved to be at greater risk of persistent discrimination.[42] They faced significant challenges in accessing civil registration of their newly born children. In particular, women from Sub-Saharan Africa who were not accompanied by men could be suspected of being prostitutes and face detention when delivering their babies at government hospitals. UNHCR recommended that Libya ensure access to birth registration for all children born in Libya.[43]

B. Right to life, liberty and security of the person

15. The High Commissioner for Human Rights recommended that Libya establish a moratorium on the use of the death penalty, aiming to abolish it. She further recommended that, pending abolition, Libya ensure full compliance with the restrictions prescribed, in particular, in article 6 of ICCPR.[44]

16. On 25 November 2014, the Secretary-General expressed his deep concern about the escalation of violence, including the air strikes in Tripoli and the Nafousa Mountains in the west, as well as in Benghazi and its environs in the east.[45] UNSMIL/OHCHR reported that fighting since May 2014 between armed groups across the country had resulted in hundreds of civilian deaths, mass displacement and a humanitarian crisis.[46]

17. UNCT stated that all parties to the conflicts since mid-2014 had used weapons such as small arms, GRAD rockets, mortars and anti-aircraft guns in populated areas. The nature of the weapons being used, the means by which they had been used, and the impact on civilians suggested that many of the attacks had been indiscriminate.[47]

18. The Special Representative of the Secretary-General for Libya urged all sides to the conflict to immediately cease armed hostilities.[48] The High Commissioner for Human Rights recommended that all armed groups comply fully with international humanitarian law, specifically with the principles of distinction, proportionality and precaution in attack. In particular, they must immediately cease all attacks on civilians and must take steps to protect civilians and fighters hors de combat. All armed groups must also desist from violations of international human rights law and humanitarian law and abuses of human rights, and remove from active duty those suspected of such actions.[49] In addition, the High Commissioner recommended that the Libyan authorities hold accountable, in accordance with international standards, all parties responsible for violations of international human rights and humanitarian law and abuses of human rights.[50]

19. The Secretary-General and the High Commissioner for Human Rights were gravely concerned at attacks targeting humanitarian workers, human rights defenders and media professionals.[51] According to UNCT, prominent cases since May 2014 included those of newspaper editor Muftah Abu Zeid, lawyer and human rights activist Salwa Bugaighis, and two young civil society activists, Tawfik Bensaud, 18, and Sami al-Kawafi, 17.[52]

20. In 2013, special procedures mandate holders shared their concern with regard to the alleged killing of a prominent political activist who had been shot dead outside Abu Ghoula mosque in Benghazi. Reportedly, the victim had previously been subjected to acts of intimidation and death threats in relation to his role as a political activist.[53]

21. UNSMIL/OHCHR indicated reports of the abduction of dozens of civilians by all sides to the conflict, solely for their actual or suspected tribal, family or religious affiliation, often as hostages in order to exchange them for others held by the opposing side. UNSMIL/OHCHR stated that their abduction might amount to enforced disappearance.[54]

22. UNCT stated that, in the wake of the 2011 conflict, thousands of persons remained missing, in addition to those who had been forcibly disappeared during the Qadhafi regime.[55] COI recommended that Libya encourage all parties involved in the conflict to divulge any information that they had on missing persons, and establish an independent investigation into the fate of all missing persons.[56]

23. The Secretary-General remained concerned about reports of continuing torture, deaths in custody, kidnapping and secret detentions by brigades nominally affiliated to the Ministry of Justice or the Ministry of Defence.[57] UNCT stated that torture had been widespread in many detention centres since the revolution, and it had continued since the outbreak of the internal conflicts in mid-2014.[58] UNSMIL had received allegations of torture and other abuses which were consistent with earlier patterns of ill-treatment of detainees.[59] In 2013, UNSMIL/OHCHR reported that torture was most frequent immediately upon arrest and during the first days of interrogation, as a means to extract confessions.[60] Detainees had died in circumstances strongly suggesting that torture had been the cause.[61]

24. UNCT noted that Law No. 10/2013 on Criminalizing Torture, Enforced Disappearances and Discrimination specified that torture, enforced disappearance and discrimination were crimes and remained punishable as such. The law was intended to ensure that the amnesty adopted in Law No. 38/2012 on Procedures Relating to the Transitional Phase would not extend to such serious human rights violations.[62]

25. In 2014, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent a communication concerning cases of alleged torture and ill-treatment during interrogation in the "Al-Habdha" Correction and Rehabilitation Institution in Tripoli. According to the information received, in one case, the victim had been arrested in a neighbouring country, where he had sought refuge, and had consequently been

extradited to Libya to be detained in the aforementioned institution, where he had been subjected to torture during interrogation.[63]

26. COI recommended that Libya end all torture or ill-treatment of detainees, and the use of unlawful interrogation methods.[64] The High Commissioner for Human Rights recommended that authorities must investigate all allegations of torture and other ill-treatment, and those found responsible must be removed from active duty and brought to justice.[65]

27. UNSMIL/OHCHR stated that, since 2012, the Government had sought to bring under the authority of the State the armed brigades which had emerged during the 2011 armed conflict, and which were in control of most detention facilities where torture took place. The Government had affiliated brigades to specific ministries, even though in many cases the brigades had retained actual control of the detention centres.[66]

28. UNCT indicated that detention centres under the control of the State had faced substantial difficulty in ensuring adequate supplies of food and medicine. The problem of prolonged detention and interrogation at the hands of armed groups without training in the handling of detainees remained severe.[67]

29. The High Commissioner for Human Rights recommended that Libya urgently address the situation of persons deprived of their liberty; those detained in connection with the recent conflict, as well as those held since the 2011 conflict, must be handed over to the justice system and all detention facilities handed over from armed groups to the effective control of the State.[68] He also recommended that Libya ensure that prison officials were provided with adequate resources and training to manage their facilities effectively, in line with international human rights standards.[69]

30. COI recommended that Libya ensure that conditions of detention complied with applicable international law, including the proper treatment of detainees, access to lawyers and family, and the ability to lodge complaints of torture and ill-treatment.[70]

31. The Secretary-General indicated that UNSMIL had worked closely with the Judicial Police[71] to establish a census of prison inmates and facilitate screening by public prosecutors. As a result, a list of over 6,200 inmates, including 10 children, had been drawn up. According to the list, only 10 per cent of the inmates had been tried.[72]

32. UNCT noted that Law No. 29/2013 on Transitional Justice established a 90-day deadline by which those being detained should either be charged or released, with a further 30 days provided in a subsequent amendment to the law. However, the judicial system had been unable to meet those deadlines.[73]

33. COI recommended that Libya charge detainees being held in connection with the conflict for their involvement in specific criminal acts, and release those against whom there was no such evidence.[74]

34. The High Commissioner for Human Rights noted that UNSMIL/OHCHR had received reports of children killed or maimed as a result of the violence, victims of attacks on schools and hospitals, and affected by the denial of humanitarian access.[75]

35. COI stated that sexual violence had played a significant role in provoking fear in various communities. Sexual torture had been used as a means to extract information from and to humiliate detainees.[76]

36. The Secretary-General noted that, in February 2014, the Council of Ministers had passed a decree to address the situation of victims of sexual violence, primarily women but also men, establishing a specialized fact-finding committee that would also determine reparations.[77] UNCT noted that, while the specialized committee had been established, there was no appropriate complaint mechanism, and there was limited access to health-care

services and support. In some instances of rape, women had been accused of adultery or encouraged to marry the perpetrator to protect their honour.[78]

37. UNCT indicated that Libya had no law on combating human trafficking. The legal framework, in particular the Penal Code, needed to be brought in line with the Palermo Protocol.[79]

C. Administration of justice, including impunity, and the rule of law

38. UNCT stated that, following the 17 February Revolution, the Supreme Judicial Council had abolished the State security courts, which had been the core element of a parallel judicial system used for purposes of political repression under the Qadhafi regime. The Supreme Judicial Council had also been reformed in order to bolster the independence of the judiciary. The Minister of Justice no longer served as the Council chair, and the judicial body was exclusively composed of judges.[80] UNCT also indicated that the General National Congress had amended the law on the status of the judiciary to allow for the election by peers of 11 out of 13 members of the Supreme Judicial Council.[81]

39. UNCT reported that, in April 2013, the General National Congress had adopted a law abolishing the jurisdiction of military courts over civilians. A reform of the Code of Criminal Procedures had commenced, but had never been completed.[82]

40. The Secretary-General stated that assaults and threats of violence against judges and prosecutors had continued to impede judicial work.[83] According to UNCT, by late 2013, courts had been suspended from functioning in the east, including in locations such as Derna, Benghazi and Sirte.[84] HRC, in resolution 25/37, condemned the assassination of judges and other members of the judiciary in Derna and Benghazi.[85]

41. The High Commissioner for Human Rights recommended that Libya resume building State institutions, in particular the armed forces, law enforcement and the judiciary, as soon as feasible; enhance security for prosecutors, judges and the courts as a priority to strengthen the rule of law; and establish a fair and transparent vetting and recruitment process for the Judicial Police.[86]

42. UNCT indicated that, in February 2011, the Security Council had referred the situation in Libya to the Prosecutor of the International Criminal Court. Four months later, the Court had issued arrest warrants against and requested the transfer to the Hague of Muammar Qadhafi, Saif al-Islam Qadhafi and Abdullah al-Senussi. To date, both Saif al-Islam Qadhafi and Abdullah al-Senussi had been unable to access legal counsel representing them before the International Criminal Court. The Appeals Chamber of the International Criminal Court had upheld the admissibility of the case against Saif al-Islam Qadhafi in May 2014, confirming that Libya must hand him over to the Court.[87]

43. The Secretary-General welcomed the reaffirmation by the Prosecutor of the International Criminal Court in July 2014 of her readiness to investigate and prosecute those who committed crimes under the Court's jurisdiction, irrespective of their official status or affiliation.[88] He underscored the need for proper legal representation for all defendants.[89]

44. The High Commissioner for Human Rights recommended that Libya ensure that all those responsible for human rights violations and abuses were brought to justice, with all the guarantees of a fair trial and due process; take all necessary measures to ensure a safe environment, free of intimidation, for any trial; and cooperate fully with the International Criminal Court by assisting its investigations and complying with its rulings.[90]

45. UNCT noted that the General National Congress had promulgated Law No. 1/2014 on the Care for Martyrs and Missing Persons of the 17 February Revolution. The law

provided reparation to the families of those killed or missing in the context of the revolution, although it specifically denied benefits to the families of those who had opposed the revolution.[91] The High Commissioner for Human Rights recommended revising the law on missing persons to ensure that benefits extended to all victims, regardless of affiliation, and establishing an independent and impartial commission on missing persons.[92]

46. UNCT indicated that the General National Congress had promulgated Law No. 29/2013 on Transitional Justice establishing a Victims Compensation Fund and providing for reparations. The United Nations had called on Libya to use that law to adopt a comprehensive approach to reparations and to avoid discrimination between different categories of victims.[93]

47. UNCT stated that the General National Congress had adopted in December 2013 a new law establishing a fact-finding committee to investigate the killings in Abu Salim Prison in 1996 and provide recommendations for reparations to the victims, but the committee had never been appointed.[94]

48. The High Commissioner for Human Rights condemned the attacks against human rights defenders, political activists and media professionals, which were taking place with impunity, with police officers, prosecutors and judges themselves being targeted by armed groups. He urged the authorities to take all possible measures to undertake prompt, thorough and impartial investigations, to hold those found responsible to account, and to ensure an effective remedy for victims. He added that the authorities should do everything in their power to ensure adequate protection of victims, witnesses and officials supporting the administration of justice.[95]

49. UNCT noted that Law No. 29/2013 on Transitional Justice established a new Fact-Finding and Reconciliation Commission which would address human rights violations committed under the former regime and since its fall.[96] The High Commissioner for Human Rights recommended that Libya bring the transitional justice process back on track, with priority to the appointment of qualified and independent members of the Board of the Fact-Finding and Reconciliation Commission, taking into account fair gender representation.[97]

D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

50. In February 2015, the High Commissioner for Human Rights stated that the mass beheading of 20 Egyptian Coptic Christians and apparently another Christian man in Libya had been a vile crime targeting people on the basis of their religion, and that that was not the first time that Coptic Christians had been targeted in Libya. He indicated that murdering captives or hostages was prohibited under international law and Islamic law.[98]

51. UNCT indicated that religious sites had also been attacked; there had been numerous deliberate attacks from sectarian groups targeting Sufi marabout shrines since 2011.[99] The United Nations Educational, Scientific and Cultural Organization (UNESCO) expressed similar concerns.[100]

52. The High Commissioner for Human Rights stated that media professionals had been subjected to increasing attacks and abductions, which had limited freedom of expression and opinion and the dissemination of information.[101] UNESCO expressed similar concerns and indicated that the media sector had suffered from the prolonged conflict and instability, coupled with the introduction of repressive laws.[102]

53. According to UNESCO, the National Transitional Council had introduced Law No. 37/2012, which criminalized defamation against the State and its institutions, including

the Islamic religion, as well as any support for the former regime. The Supreme Court had ruled that Law No. 37/2012 was unconstitutional in June 2012.[103]

54. The High Commissioner for Human Rights and UNESCO noted amendments to the Penal Code through Law No. 5/2014, whereby defamation of the 17 February Revolution could be punishable by imprisonment up to 15 years.[104]

55. HRC, in resolution 25/37, urged Libya to take further steps to protect freedoms of expression, association and assembly by, inter alia reviewing Penal Code articles that undermined those freedoms.[105]

56. UNCT expressed concern about Law No. 13/2013 on Political and Administrative Isolation.[106] The Special Representative of the Secretary-General noted that the law had been adopted under threat by armed groups.[107] According to UNCT, the law detailed the grounds on which individuals associated with the Qadhafi regime should be excluded from public positions for ten years. The grounds were vague, far-reaching and disproportionate. Six challenges to the constitutionality of the law had been submitted to the Supreme Court, including by NCCLHR. The Court was due to issue a decision on the matter in February 2015.[108] The High Commissioner for Human Rights recommended that the law be revised to ensure that vetting criteria were precise, proportionate and fair.[109]

57. UNCT stated that the original draft law for the 60-member Constitution Drafting Assembly had contained no provision for special measures for women. Women's organizations had lobbied to get a block of 30 seats reserved, but the law had eventually been amended to include 6 reserved seats.[110] The High Commissioner for Human Rights and UNCT noted growing threats and attacks against women activists, which had contributed to women's reluctance to run for election.[111]

E. Right to social security and to an adequate standard of living

58. In November 2014, UNHCR indicated that the renewed fighting had increased the humanitarian needs of internally displaced persons (IDPs) and of communities affected by the fighting. The prices of food and basic items such as cooking fuel and wheat flour had reportedly risen steeply. In Tripoli, shortages of water, diesel, cooking gas and other essential items such as milk had been reported, as well as disruptive prolonged power cuts.[112]

F. Right to health

59. According to the World Health Organization, access to health services had become a major concern, mainly in Benghazi. Ongoing fighting had led to restrictions of movement for people and health workers. Hospitals in Benghazi were struggling to cope with the large numbers of casualties, and there was a shortage of medical professional due to the departure of foreign medical workers. There were extensive shortages of medicines and medical supplies.[113]

60. The High Commissioner for Human Rights indicated that, in Benghazi, the Hawari General Hospital had suspended operations due to the fighting, and that Ansar Al-Shari'a had temporarily occupied Al-Jalaa hospital and reportedly shelled a wing of the Benghazi Medical Centre. He had also received reports of the obstructed evacuation of injured persons and of impeded humanitarian assistance, as well as of the misuse of medical vehicles for military purposes.[114]

G. Right to education

61. The High Commissioner for Human Rights stated that schools had been extensively damaged by shelling, limiting access to education. Schools in Benghazi, Tripoli and other places had been closed and converted into makeshift shelters for internally displaced persons. Schools in the Warshafana areas and Nafusa Mountains were reportedly being used as bases by armed groups for launching attacks.[115]

H. Minorities and indigenous peoples

62. UNCT indicated that the General National Congress had adopted Law No. 18/2013 on the Rights of Cultural and Linguistic Components, in response to concerns raised by the Amazigh, Tabu and Tuareg populations. The law recognized the languages of the three communities as "linguistic and cultural components of Libyan society" and required the State to protect their cultural and linguistic heritage.[116]

63. UNCT stated that no seats had been reserved for minorities in the July 2012 elections to the General National Congress, although several constituencies had a majority population of the Amazigh, Tabu and Tuareg communities. There were also some electoral problems due to issues with citizenship for minorities in the south. The 2013 electoral law for the 60-member Constitution Drafting Assembly had reserved two seats each for the Amazigh, Tabu and Tuareg communities. However, the Amazigh had boycotted the February 2014 election, demanding that their language rights be guaranteed. The June 2014 elections for the House of Representatives had adopted the same approach as that used for the General National Congress elections in 2012. Several seats in the Kufra area remained vacant in the wake of tensions between the Tabu community in that area and their Arab neighbours.[117]

I. Migrants, refugees and asylum seekers

64. The Secretary-General noted the increasing numbers of asylum seekers, refugees and migrants attempting to reach Europe from Libya by sea. He commended the efforts of the Libyan Coast Guard and the navy of a neighbouring country in saving the lives of those in distress at sea. He indicated, however, that more effort was needed to prevent the unnecessary loss of life at sea.[118]

65. According to UNHCR, the scale of migration by sea from Libya had been highest in 2014.[119] UNHCR stated that the border management strategy of Libya focused solely on border control at the expense of a more comprehensive approach that recognized the different protection needs and rights of mixed-migrant populations.[120]

66. Four special procedures mandate holders sent a communication concerning the alleged mistreatment of foreign nationals, mainly from sub-Saharan Africa. According to the information received, government officials, militias and, in some cases, ordinary citizens motivated by xenophobia and misguided fears about diseases, had detained foreign nationals on an almost daily basis, in holding centres. The conditions in most of the holding centres fell short of international standards, and at times amounted to cruel, inhuman and degrading treatment. It was further reported that migrants were being forcibly tested for diseases and then deported.[121]

67. The Secretary-General also expressed serious concern about the detention of asylum seekers, refugees and migrants, including children. He stated that the arbitrary detention of non-nationals had remained widespread and prolonged. Those detained did not usually have the means to challenge their detention.[122] The High Commissioner for Human Rights and

UNCT expressed similar concerns.[123] UNHCR recommended that Libya ensure that detention of persons in need of international protection was used only as a measure of last resort, and apply alternatives to detention.[124]

68. The Secretary-General stated that the lack of an adequate asylum system and a proper protection framework, coupled with the widespread use of detention in deplorable conditions, were factors pushing mixed migration movements towards Europe. There was an urgent need to introduce a registration and status determination process for refugees in close cooperation with UNHCR and to formalize the role of UNHCR.[125] The High Commissioner for Human Rights and UNCT expressed similar concerns.[126]

69. According to UNCT, while article 10 of the Constitutional Declaration referred to the right to asylum, there had yet to be any implementing regulations or measures put in place to guarantee that right.[127] UNHCR recommended that Libya adopt national asylum legislation and procedures in compliance with relevant international standards and UNHCR guidelines.[128]

J. Internally displaced persons

70. The High Commissioner for Human Rights stated that, prior to the violence in 2014, roughly 60,000 Libyans had remained internally displaced, mainly as a result of the 2011 conflict. Those affected included persons from Mashashiya Gualish and Jaramla S'ian, as well as Tabu and Tuareg communities. The inhabitants of the town of Tawergha were the largest group of internally displaced, totalling about 30,000. They had been forcibly displaced from their own town in August 2011 by armed groups from Misrata, following allegations of grave human rights abuses committed in Misrata by pro-Qadhafi forces from Tawergha.[129] UNCT indicated that, since that time, Tawerghans had been unable to return to their town and had been subjected to continuous harassment. Members of armed groups had carried out raids against IDP camps for Tawerghans.[130]

71. UNCT indicated that the situation of internal displacement had deteriorated further as a result of the conflict since July 2014.[131] In mid-November, UNHCR estimated that approximately 400,000 people had been internally displaced by the fighting.[132]

72. The High Commissioner for Human Rights recommended that Libya develop a comprehensive strategy to address the issue of displaced persons. Those displaced — including since 2011 — must be allowed to return to their homes in safety and dignity. In the interim, they must be given protection and humanitarian assistance, in accordance with the Guiding Principles on Internal Displacement.[133] HRC, in resolution 25/37, urged Libya to strengthen efforts to end the continued arbitrary detention, torture and harassment of displaced persons.[134] COI recommended that Libya take measures to stop and prevent further attacks against the Tawerghans and other targeted communities.[135]

K. Human rights and counter-terrorism

73. The High Commissioner for Human Rights and UNCT stated that Law No. 3/2014 on Counter-terrorism adopted a broad definition of terrorism. The High Commissioner expressed concern that such an overly broad definition appeared to be in violation of the principle of legality and carried the potential for arbitrary and discriminatory enforcement.[136]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Libya from the previous cycle (A/HRC/WG.6/9/LBY/2).

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[5] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[6] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[7] International Labour Organization, Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[8] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[9] International Labour Organization, Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).

[10] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at https://www.icrc.org/IHL.

[11] Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs (A/HRC/28/51), para. 84 (i). See also Technical assistance for Libya in the field of human rights:

[12] Report of the United Nations High Commissioner for Human Rights (A/HRC/25/42), para. 66 (g).

[13] UNHCR submission for the UPR of Libya, p. 3.

[14] A/HRC/28/51, para. 84 (d).

[15] Report of the Secretary-General on the United Nations Support Mission in Libya (S/2014/653), para. 95.

[16] Report of the International Commission of Inquiry on Libya (A/HRC/19/68), paras. 128 (a) and (b).

[17] OHCHR Report 2011, p. 374.

[18] OHCHR Report 2013, p. 325.

[19] A/HRC/25/42, para. 7.

[20] A/HRC/28/51, para. 81.

[21] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[22] See the chart of the accreditation status of national human rights institutions granted, as of 30 December 2014, by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). Available from http://nhri.ohchr.org/EN/Documents/Accreditation%20Status%20Chart.pdf.

[23] Resolution adopted by the Human Rights Council: Situation of human rights in the Libyan Arab Jamahiriya (A/HRC/RES/S-15/1), para. 11.

[24] A/HRC/25/42, para. 3.

[25] Resolution adopted by the Human Rights Council on technical assistance for Libya in the field of human rights (A/HRC/RES/22/19), para. 13 and A/HRC/25/42, para. 3.

[26] A/HRC/25/42, para. 67.

[27] The following abbreviations are used in UPR documents:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

[28] Concluding observations of the Human Rights Committee (CCPR/C/LBY/CO/4), para. 31.

[29] Information received from the Libyan Arab Jamahiriya on follow-up to the concluding observations of the Human Rights Committee (CCPR/C/LBY/CO/4/Add.1).

[30] Additional information received from the Libyan Arab Jamahiriya on follow-up to the concluding observations of the Human Rights Committee (in Arabic only). Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LBY/INT_CCPR_AFR_LBY_19232_A.pdf (accessed 19 January 2015).

[31] Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/LBY/CO/5), para. 50.

[31] Letters from CEDAW to the Permanent Mission of Libya to the United Nations Office and other international organizations in Geneva, dated 17 September 2012 and 27 August 2013, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBY/INT_CEDAW_FUL_LBY_19213_E.pdf; and http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBY/INT_CEDAW_FUL_LBY_15064_E.pdf(accessed 13 January 2015).

[32] CCPR/C/99/D/1640/2007, *El Abani* v. *Libyan Arab Jamahiriya*, 26 July 2010; CCPR/C/100/D/1776/2008, *Bashasha* v. *Libyan Arab Jamahiriya*, 20 October 2010; CCPR/C/100/D/1751/2008, *Aboussedra et al.* v. *Libyan Arab Jamahiriya*, 25 October 2010; CCPR/C/104/D/1755/2008/Rev.1, *El Hagog Jumaa* v. *Libya*, 19 March 2012; CCPR/C/104/D/1782/2008, *Aboufaied* v. *Libya*, 21 March 2012; CCPR/C/106/D/1804/2008, *Il Khwildy* v. *Libya*, 1 November 2012; CCPR/C/106/D/1805/2008, *Benali* v. *Libya*, 1 November 2012; CCPR/C/108/D/1832/2008, *Al Khazmi et al.* v. *Libya*, 18 July 2013; CCPR/C/104/D/1880/2009 and Corr.1, *Nenova et al.* v. *Libya*, 20 March 2012; and CCPR/C/110/D/2006/2010, *Almegaryaf and Matar* v. *Libya*, 21 March 2014.

[33] CCPR/C/99/D/1640/2007, para. 10; CCPR/C/100/D/1776/2008, para. 10; CCPR/C/100/D/1751/2008, para. 10; CCPR/C/104/D/1755/2008/Rev.1, para. 11; CCPR/C/104/D/1782/2008, para. 10; CCPR/C/106/D/1804/2008, para. 10; CCPR/C/106/D/1805/2008, para. 9; CCPR/C/108/D/1832/2008, para. 11; CCPR/C/104/D/1880/2009 and Corr.1, para. 10; and CCPR/C/110/D/2006/2010, para. 10.

[34] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[35] Security Council Resolution 2009 (2011) (S/RES/2009 (2011)), para. 12, and OHCHR Report 2011, pp. 373–374.

[36] Security Council Resolution 2144 (2014) (S/RES/2144 (2014)), para. 6 (b), and United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights, "Update on Violations of International Human Rights and Humanitarian Law During the Ongoing Violence in Libya", 23 December 2014, p. 2. Available from www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_23.12.14.pdf.

[37] A/HRC/28/51, para. 1.

[38] A/HRC/25/42, p. 1. See also OHCHR Report 2013, pp. 324–325, OHCHR Report 2012, pp. 276–277, and OHCHR Report 2011, pp. 373–375.

[39] UNCT submission for the UPR of Libya, p. 1.

[40] Ibid., p. 1.

[41] UNHCR submission for the UPR of Libya, p. 5.

[42] Ibid., p. 2.

[43] Ibid., p. 6.

[44] A/HRC/25/42, para. 66 (h).

[45] Press release dated 25 November 2014, "Deeply Concerned by Escalation of Violence in Libya, Secretary-General Urges All Libyans to 'Take the Brave Decisions Necessary to Spare Their Country'" (SG/SM/16372-AFR/3028). Available from www.un.org/press/en/2014/sgsm16372.doc.htm.

[46] "Update on Violations of International Human Rights and Humanitarian Law During the Ongoing Violence in Libya", p. 1. See also United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights, "Overview of Violations of International Human Rights and Humanitarian Law During the Ongoing Violence in Libya", 4 September 2014, p. 2.

[47] UNCT submission for the UPR of Libya, p. 2.

[48] Press release dated 23 December 2014, "Persistent fighting kills hundreds, causes mass displacement across Libya – UN report". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15449&LangID=E.

[49] A/HRC/28/51, para. 83 (a).

[50] A/HRC/28/51, para. 83 (b).

[51] S/2014/653, para. 97 and press release dated 14 October 2014, "UN rights chief Zeid condemns attacks on human rights defenders in Libya". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15168&LangID=E.

[52] UNCT submission for the UPR of Libya, p. 2.

[53] Communications report of Special Procedures: Communications sent, 1 June to 30 November 2013; Replies received, 1 August 2013 to 31 January 2014 (A/HRC/25/74), p. 62.
[54] "Update on Violations of International Human Rights and Humanitarian Law During the Ongoing Violence in Libya", p. 7.
[55] UNCT submission for the UPR of Libya, p. 2.
[56] A/HRC/19/68, para. 127 (h).
[57] S/2014/653, para. 97.
[58] UNCT submission for the UPR of Libya, p. 2.
[59] "Update on Violations of International Human Rights and Humanitarian Law During the Ongoing Violence in Libya", p. 7.
[60] United Nations Support Mission in Libya and Office of the United Nations High Commissioner for Human Rights, "Torture and Deaths in Detention in Libya", October 2013, p. 2.
[61] Ibid., p. 16.
[62] UNCT submission for the UPR of Libya, p. 3.
[63] Communications report of Special Procedures: Communications sent, 1 March to 31 May 2014; Replies received, 1 May to 31 July 2014 (A/HRC/27/72), p. 23.
[64] A/HRC/19/68, para. 127 (e).
[65] A/HRC/28/51, para. 84 (a).
[66] "Torture and Deaths in Detention in Libya", p. 2.
[67] UNCT submission for the UPR of Libya, p. 2.
[68] A/HRC/28/51, para. 84 (a).
[69] A/HRC/28/51, para. 84 (c).
[70] A/HRC/19/68, para. 127 (d).
[71] The prison service in Libya, under the Ministry of Justice. See "Torture and Deaths in Detention in Libya", p. 5.
[72] S/2014/653, para. 51.
[73] UNCT submission for the UPR of Libya, pp. 2–3.
[74] A/HRC/19/68, para. 127 (c).
[75] A/HRC/28/51, para. 26.
[76] A/HRC/19/68, para. 70.
[77] S/2014/653, para. 58.
[78] UNCT submission for the UPR of Libya, p. 1.
[79] Ibid., p. 3.
[80] Ibid., p. 3.
[81] Ibid., p. 3.
[82] Ibid., p. 3.
[83] S/2014/653, para. 53.
[84] UNCT submission for the UPR of Libya, p. 3.
[85] Resolution adopted by the Human Rights Council on technical assistance for Libya in the field of human rights (A/HRC/RES/25/37), para. 6.
[86] A/HRC/28/51, para. 84 (c).
[87] UNCT submission for the UPR of Libya, p. 4.
[88] S/2014/653, para. 92.
[89] S/2014/653, para. 98.
[90] A/HRC/28/51, paras. 84 (g) and (h).
[91] UNCT submission for the UPR of Libya, p. 2.
[92] A/HRC/28/51, para. 84 (f).
[93] UNCT submission for the UPR of Libya, pp. 3–4.
[94] Ibid., p. 5.
[95] Press release dated 14 October 2014, "UN rights chief Zeid condemns attacks on human rights defenders in Libya". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15168&LangID=E.
[96] UNCT submission for the UPR of Libya, p. 4.
[97] A/HRC/28/51, para. 84 (f).

[98] Press release dated 17 February 2015, "Zeid urges Libyans to oppose extremism after 'vile' murder of Coptic Christians". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15576&LangID=E.
[99] UNCT submission for the UPR of Libya, p. 5.
[100] UNESCO submission for the UPR of Libya, para. 28.
[101] A/HRC/28/51, para. 40.
[102] UNESCO submission for the UPR of Libya, para. 16.
[103] Ibid., para. 11.
[104] OHCHR, Briefing notes on Libya and Nigeria dated 18 February 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14257&LangID=E, and UNESCO submission for the UPR of Libya, para. 12.
[105] A/HRC/RES/25/37, paras. 12 and 17.
[106] UNCT submission for the UPR of Libya, p. 5.
[107] Security Council Briefing dated 14 March 2013 by Special Representative of the Secretary-General and Head of UNSMIL, Tarek Mitri, para. 10. Available from http://unsmil.unmissions.org/Portals/unsmil/Documents/SRSG%20Mitri%20Briefing%20to%20UN%20Security%20Council%20on%20Libya%2014.3.2013.pdf. See also UNCT submission for the UPR of Libya, p. 5 and Security Council Briefing dated 18 June 2013 by Special Representative of the Secretary-General and Head of UNSMIL, Tarek Mitri, p. 3. Available from http://unsmil.unmissions.org/Portals/unsmil/Documents/SC%20Briefing%20June%202013%20_12%20June%2013_%20check%20against%20delivery.pdf.
[108] UNCT submission for the UPR of Libya, p. 5.
[109] A/HRC/28/51, para. 84 (f).
[110] UNCT submission for the UPR of Libya, p. 6.
[111] A/HRC/28/51, paras. 21–22 and UNCT submission for the UPR of Libya, p. 6.
[112] UNHCR, *UNHCR Position on Returnees to Libya*, November 2014, para. 9. Available from www.refworld.org/country,COI,,,LBY,,54646a494,0.html.
[113] World Health Organization, "Libya crisis situation report no. 3, 24 November 2014", p. 3. Available from www.emro.who.int/images/stories/libya/WHO_Libya_Sitrep_no__3.pdf?ua=1.
[114] A/HRC/28/51, para. 16.
[115] A/HRC/28/51, para. 28.
[116] UNCT submission for the UPR of Libya, p. 6.
[117] Ibid., p. 6–7.
[118] S/2014/653, para. 99.
[119] UNHCR submission for the UPR of Libya, p. 2.
[120] Ibid., p. 4.
[121] A/HRC/25/74, p. 39.
[122] S/2014/653, para. 63.
[123] A/HRC/28/51, paras. 32–34 and UNCT submission for the UPR of Libya, p. 7.
[124] UNHCR submission for the UPR of Libya, p. 4.
[125] S/2014/653, para. 64.
[126] A/HRC/28/51, paras. 32–34 and UNCT submission for the UPR of Libya, p. 7.
[127] UNCT submission for the UPR of Libya, p. 7.
[128] UNHCR submission for the UPR of Libya, p. 3.
[129] A/HRC/28/51, para. 30.
[130] UNCT submission for the UPR of Libya, p. 7.
[131] Ibid., p. 8.
[132] UNHCR News Stories, 14 November 2014, "More than100,000 Libyans flee fighting over past month". Available from www.unhcr.org/5465fdb89.html.
[133] A/HRC/28/51, para. 84 (b).
[134] A/HRC/RES/25/37, para. 11.
[135] A/HRC/19/68, para. 127 (i).
[136] A/HRC/28/51, paras. 55–56 and UNCT submission for the UPR of Libya, p. 8.

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Libya*

The present report is a summary of 23 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. World Organization against Torture (OMCT) recommended that Libya ratify ICPPED.[3]

2. Human Rights Watch (HRW) recommended that Libya ratify ICCPR-OP2.[4]

3. Alkarama Foundation (Alkarama) recommended that Libya ratify ICPPED and OP-CAT and make declarations under Articles 21 and 22 of CAT.[5] Amnesty International (AI), Human Rights Watch (HRW), and OMCT recommended that Libya ratify OP-CAT[6]; and create an independent inspectorate empowered to access and monitor all places of detention.[7]

4. National Libyan Organization for the Development of People with Disabilities (NLODPD) stated that Libya had yet to implement Recommendation 93.1[8] regarding accession to CRPD, which enjoyed Libya's support in the last UPR.[9]

5. HRW recommended that Libya ratify the Rome Statute and align its national legislation with all obligations of the Rome Statute.[10]

6. Joint Submission 2 (JS2) and Joint Submission 4 (JS4) stated that, contrary to Recommendation 95.4[11], Libya had not ratified the 1951 Convention relating to the Status of Refugees (1951 Refugee Convention) and the 1967 Protocol.[12] AI, HRW and OMCT recommended that Libya ratify the 1951 Refugee Convention and its 1967 Protocol.[13]

7. Mercy Association for Charitable and Humanitarian (MACH) stated that, despite Recommendation 95.1[14], Libya had not taken steps to sign up to key instruments related to internally displaced persons (IDPs), such as the African Union Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa.[15]

8. HRW and Joint Submission 3 (JS3) recommended that Libya lift all reservations to CEDAW.[16]

2. Constitutional and legislative framework

9. National Council for Civil Liberties and Human Rights (NCCLHR) recommended that the Libyan authorities, and all parties involved, assist the Constitutional Drafting Assembly (CDA) in delivering a constitution guaranteeing fundamental rights of the people and ensuring the separation of powers and the independence of the judiciary. NCCLHR also recommended that the cultural and linguistic rights of the Amazigh, Tuareg, and Tebu (Tabu) be protected in the Constitution.[17]

10. Alkarama recommended that a more exhaustive list of fundamental rights be integrated into constitutional texts.[18] Assabel Foundation (ASBL) recommended that Libya speed up drafting of the Constitution and protect the rights and freedoms of citizens.[19]

3. Institutional and human rights infrastructure and policy measures

11. Alkarama noted that the NCCLHR was officially established in 2013 to assume the role of the national human rights institution (NHRI), however, that it had yet to play an effective role.[20] AI was concerned that some of its members had been threatened by militias since the escalation of violence in Tripoli in mid-July 2014 and had fled the country.[21]

12. Alkarama also noted that a human rights committee had been created in the General National Congress (GNC) to make recommendations for legislative measures.[22]

13. Alkarama recommended that Libya establish an NHRI in conformity with the Paris Principles.[23] NCCLHR recommended that its establishment, mandate and independence as NHRI be enshrined in the Constitution.[24]

14. JS2 indicated that Libya had failed to fully comply with Recommendation 93.39[25] concerning human rights education for the police, prison guards and the judiciary. Lack of training for them might be seen as contributing to the prevailing practice of torture.[26]

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

15. Alkarama noted that Recommendation 93.18[27] had enjoyed Libya's support, however, that the reports to CAT and the HR Committee had not been submitted.[28] OMCT recommended that Libya engage fully with CAT, including by submitting its reports in a regular manner.[29]

16. Alkarama was also concerned by Libya's failure to comply with the views of the HR Committee on individual cases, particularly Communications Nos. 1805/2008 and 1832/2008.[30]

2. Cooperation with special procedures

17. International Service for Human Rights (ISHR) recalled that the Special Rapporteur on Human Rights Defenders had expressed concern about the incompatibility of Law No. 65/2012 aimed at regulating peaceful assembly with international human rights standards. However, Libya had not responded to the Special Rapporteur's letter of concern.[31]

18. Alkarama noted that, in March 2012, Libya had addressed a standing invitation to the Special Procedures. Requests of the visits by the Special Rapporteur on the Freedom of Expression, the Working Group on Arbitrary Detention, and the Working Group on Enforced and Involuntary Disappearances had been accepted; none of them had, however, undertaken a visit to this day. Furthermore, the Working Group on Arbitrary Detention had stated that Libya had not responded to the communication regarding Opinion no. 60/2012. Despite the arbitrary nature of the detention, Libya had never acted to release the person concerned.[32]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

19. Al Nissa Qadimat Movement (NQM) expressed concern that, although Libya had given its support to the majority of the recommendations related to the rights of women during the last UPR, this had not led to the realization of any adequate guarantees.[33] For example, Recommendation 93.20[34] provided an overarching recommendation, however, such measures had yet to be implemented.[35] Libya had also failed to implement substantive changes on the basis of Recommendations 93.26[36] or 93.33.[37] AI regretted Libya's refusal of Recommendation 95.27.[38]

20. NQM continued that Law No. 24/2010 remained ambiguous with respect to the ability of women to confer their nationality on their children if their husbands were non-

nationals. Libyan men, by contrast, were able to confer their nationality on their children irrespective of the nationality of their wives.[39]

21. Joint Submission 1 (JS1) and JS4 indicated that Labour Law No. 58/1970 placed limitations on the type of work women could do, forcing women into certain fields traditionally associated with females, such as education, health services, and secretarial or cleaning work. These fields paid less, undermining women's economic stability.[40]

22. JS4 noted that, in February 2012, the National Transitional Council (NTC) re-established the National Council of Islamic Jurisprudence (*Dar Al-Ifta*) as an independent institution that reported directly to the executive. It had authority to issue Islamic legal opinions and advice on daily affairs. Religious legal opinions (*Fatwa*) issued by the Grand Mufti, on behalf of *Dar Al-Ifta*, had led to the deterioration of women's rights.[41]

23. NQM and JS1 indicated that, in February 2013, Libya's Supreme Court had overturned the provision in Law No.10/ 1984 which stipulated that a husband must obtain the consent of his first wife before marrying a second wife, ruling that this law was inconsistent with Islamic law.[42]

24. JS1 and JS4 noted that, in March 2013, the Grand Mufti, had reportedly issued a *Fatwa* against the agreed conclusions of the UN Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls, on the grounds that they were incompatible with Sharia law. JS4 also indicated that the Grand Mufti had then called for gender segregation at universities and offices, saying a mixed gender environment "encourages unethical behavior".[43]

25. Libyan Women's Platform for Peace (LWPP), NQM, JS1 and JS4 noted that, in March 2013, the Grand Mufti had reportedly called on the Government to prohibit Libyan women from marrying foreign men.[44] LWPP and JS4 also indicated that, in December 2013, a *Fatwa* had been issued to ban Libyan women from travelling without a male chaperone.[45]

26. Alkarama stated that the constitutional guarantee excluded the numerous foreign residents in the country who were often victims of discrimination.[46]

2. Right to life, liberty and security of the person

27. AI indicated that, although Libya had accepted in principle Recommendation 95.19[47] on commuting all existing death sentences, it had not done so. Furthermore, Libya had refused Recommendation 96.6[48] on amending or repealing legislation that applied the death penalty to non-serious crimes".[49]

28. HRW stated that, in May 2014, Hafter had launched a military campaign against Islamist militia forces in the east to "eradicate terrorism." In July, armed clashes had spread to Tripoli where militia forces aligned with those from Misrata had taken control of Tripoli from a rival alliance of Zintan militias. During fighting, the warring factions had discriminately shelled civilian areas in Tripoli and Benghazi and targeted violence at civilians and civilian property.[50]

29. Alkarama expressed grave concern about summary executions committed by the numerous forces on the ground and a number of unclaimed political assassinations taking place predominantly in the east.[51]

30. Front Line Defenders (FLD) reported that there were grave security concerns for human rights defenders. Frequent assassinations, kidnappings and bombings formed a threat and hindered their work.[52] A number of organizations expressed serious concerns about killing of Salwa Bugaighis, a prominent human rights and women's rights activist, by unidentified gunmen in June 2014.[53]

31. OMCT indicated that enforced disappearance of political opponents had been a systematic practice during the Qadhafi regime. The fate and whereabouts of those disappeared during these 42 years remained largely undisclosed. Since the revolution, new cases of disappearances continued to be reported. The number of missing persons had dramatically increased during and after the 2011 civil war. Today, an estimated 10,000 people were missing in Libya.[54]

32. OMCT continued that there were an estimated 200 mass graves spread around the country, largely dug during the 2011 civil war, containing an estimated 6,000 unidentified bodies. There were likely more mass graves that had not yet been discovered. These graves were not secured by any authority, which was of utmost concern for both identification of the bodies and collection of evidence.[55]

33. MACH noted that Libya had adopted Law No. 1/2014 related to Martyrs' Families and the Missing in the 17 February Uprising. However, the law defined the "missing" as only those who fought with the 17 February Uprising and indirectly disqualified anyone who had been associated with the Qadhafi administration.[56]

34. OMCT noted that Law No. 10/2013, which criminalized torture, also criminalized enforced disappearance, however, that Libya was not party to ICPPED. OMCT underscored that it was critical to define enforced disappearance in line with ICPPED[57]

35. OMCT indicated that, since the revolution, torture had become more widespread, grotesque, and accepted. The predominant pattern was that victims were subject to torture based on presumptions of belonging to or supporting the former regime.[58] OMCT reported that it had documented 15 cases of death in custody. In 11 of these cases, victims had been tortured to death within the first 72 hours after arrest.[59]

36. JS2 stated that Libya had adopted Law No. 10/2013, in accordance with Recommendation 93.3.[60] OMCT noted, however, that the law failed to create a comprehensive anti-torture apparatus.[61] AI, HRW and JS2 stated that the definition of torture under this law was inconsistent with CAT.[62]

37. AI, HRW, MACH and OMCT stated that torture was prevalent in prisons, especially in facilities controlled by militia and other non-state groups. There was little or no accountability for torture despite Law No. 10/2013.[63] Alkarama raised similar concern and indicated that the cases of torture were more numerous in the east since launching of the Operation "Dignity" in March 2014.[64]

38. A number of organizations were concerned that efforts by the authorities to take over detention centres controlled by militias had been met with resistance.[65] JS2 stated that many persons were arbitrarily detained on the basis of belonging to certain tribal groups, including Warfalla, Tawergha, and Mashishiya.[66] ASBL recommended that Libya place all prisons and detention centres under the authority of the State and punish anyone who violated the regulation.[67]

39. According to AI, as of March 2014, approximately 6,200 detainees were held in prisons under the Ministry of Justice; only 10 percent had been tried. Hundreds had been held since 2011 without charge or trial or access to lawyers. The authorities had not met a deadline set by Law No. 29/2013 on Transitional Justice to charge or release all detainees.[68]

40. NCCLHR stated that the armed conflict of 2011 had seen heinous crimes committed, some amounting to crimes against humanity. For the first time in living memory, rape had been used as a weapon of war.[69] JS3 noted that both women and men had been subjected to rape and other forms of sexual violence during the conflict.[70]

41. AI, NQM, and JS3 reported that, on 19 February 2014, the Minister of Justice had adopted a text protecting victims of sexual violence by ministerial decree.[71] JS3 indicated

that, while the decree focused mostly on pecuniary reparations for victims, it did establish that victims were entitled to assistance in suing the perpetrators of the crimes in the court. However, the decree had not been passed into law and its implementation therefore remained stalled.[72]

42. LWPP indicated that there must be inclusive and gender-sensitive negotiations and peacebuilding processes, DDRR (disarmament, demobilization, reintegration and rehabilitation), and SSR (security sector reform).[73] LWPP recommended that Libya fulfil the State obligation of due diligence to prevent, protect, investigate, and punish State and non-State perpetrators of violence, particularly all forms of violence against women.[74]

43. NQM indicated that Libya had failed to address discriminatory laws that encouraged violence against women despite Recommendation 93.36 enjoying support.[75]

44. HRW, NQM, JS1 and JS3 expressed concern about the Penal Code of 1953 in its classification of sexual violence as a crime against 'a woman's honour'.[76] JS3 also reported that Law No. 10/1984 defined sexual violence under crimes against freedom, honour and morality.[77]

45. JS1 and JS3 indicated that the provisions of the Penal Code permitted a reduction in sentence for a man who killed a wife, daughter, mother or sister whom he suspected to be engaged in extramarital sexual relations.[78] NQM stated that Libya's *zina* (adultery) law, Law No. 70/1973, criminalized extramarital sexual relations but failed to distinguish adequately between forced and consensual sex. As a result, those who had been subject to sexual assault could be prosecuted.[79]

46. JS1 and JS3 stated that many women and girls detained in "social rehabilitation" facilities for suspected transgressions of moral codes had committed no crime, or had already served a sentence. Some were there for no other reason than that they had been raped and were ostracised by their family.[80]

47. JS1 noted that spousal rape was not a crime in Libya. Law No. 10/1984 prohibited domestic violence but did not specifically criminalize it. The law did not contain any enforcement mechanisms and failed to provide effective protection or remedies for victims.[81] NQM raised similar concern.[82]

48. A number of organizations expressed concerns about corporal punishment.[83] AI stated, under Law No.13/1425, theft was punished by the amputation of the right hand, while *haraba* (highway robbery or rebellion) was punishable by death if there had been a killing, or by cross amputation (right hand and left foot).[84]

49. Child Rights International Network (CRIN) and Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children was lawful, despite repeated recommendations to prohibit it by CRC, CAT, and the HR Committee, and during the 1st cycle UPR.[85] GIEACPC in particular indicated that corporal punishment of children was lawful in the home, alternative care settings, day care and the penal system, including as a sentence for crime.[86]

3. Administration of justice, including impunity, and the rule of law

50. A number of organizations stated that the justice system remained dysfunctional and expressed serious concerns about threats, intimidations, assassinations, abductions or physical assaults against witnesses, lawyers, judges, and prosecutors[87] AI indicated that, courts had effectively suspended their work in Benghazi, Derna and Sirte for security reasons in 2014 or had been temporarily closed in Misrata and in Sabha in 2013.[88] HRW stated that the Justice Ministry in Tripoli had been forced to close due to the fighting between rival militia alliances since July 2014.[89]

51. A number of organizations were seriously concerned that the authorities had been unable to control militias which committed acts of violence. The lack of reform of the justice system, the scarcity of resources, and the failure to strengthen the army and the police had contributed to the impunity with which the militias operated.[90] AI noted that militias formed during and after the 2011 conflict had been allowed to enter state institutions without adequate vetting.[91] OMCT expressed similar concern.[92] JS4 stated that non-state actors had carried out certain state functions such as running prisons, were frequently funded by the State, and received arms distributed by the State.[93]

52. AI noted that the trial of 37 former Qadhafi officials had started in March 2014 amid fair trial concerns. Their lawyers had not been granted full access to evidence or sufficient time to prepare a defense. Saif al-Islam Qadhafi, had appeared in court via video-link, from the militia custody in Zintan, in violation of his right to be present at his own trial. Libya had failed to surrender him to the International Criminal Court (ICC) to face prosecution on charges of crimes against humanity despite their legal obligation to do so.[94]

53. JS2 indicated that the Working Group on Arbitrary Detention had noted that the detention of Saif al-Islam Qadhafi was in contravention of article 14 of ICCPR. His detention was also held to be arbitrary by the African Commission on Human and Peoples' Rights.[95]

54. AI noted that several laws and measures aiming at addressing past human rights abuses had been adopted since the last UPR. In 2013, GNC had adopted Law No. 29/2013 on Transitional Justice establishing accountability, truth-seeking and reparation mechanisms for victims of human rights violations. However, these measures remained unimplemented largely due to poor security and political infighting.[96] ISHR indicated that the fact-finding commission to be set up under the law had not been established.[97]

55. A number of organizations were concerned that Law No. 38/2012 on Some Special Procedures granted amnesty to unlawful acts perpetrated by opposition fighters, including war crimes and crimes against humanity, for the 17 February revolution, and that the culture of impunity propagated by such laws could lead to such crimes being repeated.[98]

56. AI indicated that the authorities had not carried out meaningful investigations into alleged war crimes and serious human rights abuses, such as the alleged extrajudicial execution of Colonel Qadhafi and his son Mutassim and other captured soldiers and the forcible displacement of some 40,000 Tawarghans.[99]

57. AI also stated that the authorities had failed to carry out an investigation into the Abu Salim Prison massacre, despite Recommendation 96.10 enjoying support of Libya.[100]

58. HRW stated that Law No. 13/2013 on political isolation bared Qadhafi-era officials from holding public office for a period of 10 years. The law's provisions were vaguely-framed and over-broad. A recent amendment to the provisional constitution prohibited judicial review of this law.[101] Lawyers for Justice in Libya (LFJL), LWPP, and JS4 also expressed similar concerns.[102]

59. CRIN recommended that Libya raise the age of criminal responsibility set at seven by the Penal Code.[103]

4. Right to privacy

60. Quzah stated that same-sex relationships were punishable with imprisonment of five years.[104] LGBT people were unable to go to the police to protect themselves from violence.[105] Quzah indicated that, in the Libyan society, to be gay was considered against Islam. There was no legislation protecting the rights of sexual minorities.[106] After the 2011 Revolution and deterioration of the security situation, the homosexuals became more targeted by violence committed by Islamic militias.[107]

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

61. The European Centre for Law and Justice (ECLJ) noted that, although the Constitutional Declaration granted rights and freedoms to its citizens without discrimination due to religion, it also proclaimed Islam as the State religion and Sharia as the principal source of legislation.[108]

62. ECLJ indicated that the biggest threat to religious minorities was the growing number and influence of Islamic militants spreading violence.[109] They had incited and carried out attacks against Christians, desecrated religious sites, and attempted to forcibly convert Christians to Islam.[110] JS4 indicated that Sufi religious shrines had notably been targeted across the country resulting in the destruction of several mosques and tombs.[111]

63. LFJL indicated that serious violations to freedom of expression had been perpetrated by armed non-state actors. Many of these groups had responded violently to criticism of their conduct or ideologies.[112] ISHR stated that attacks against journalists could result in their self-censorship due to fear.[113] Alkarama raised similar concern.[114]

64. AI indicated that Libya had accepted recommendations to repeal laws that criminalized the peaceful exercise of the rights to freedom of expression, assembly and association. However, since 2011, the authorities had prosecuted individuals for peacefully expressing their views under existing legislation.[115]

65. Libyan Centre for Freedom of Press (LCFP) and LFJL noted that Libya had failed to adhere to three recommendations concerning freedom of expression which enjoyed its support.[116]

66. HRW and LFJL stated that several provisions of the Penal Code still criminalized the offenses of defamation and insult to religion.[117] LCFP and LFJL indicated that Law No. 37/2012 established life sentences for those who had carried out acts or made statements which "harm" the State and the 17 February Revolution" such as "praising or glorifying Qadhafi". This law was later declared unconstitutional by the Supreme Court.[118]

67. FLD, HRW, LCFP and LFJL expressed concerns that Law No. 5/2014 had amended Article 195 of the Penal Code to include "the criminalisation of any action, which might harm or prejudice the February 17 Revolution."[119]

68. LCFP, LFJL, JS1 and JS4 indicated that Law No. 15/2012 had restricted freedom of the press by prohibiting media discussion of religious opinions (*Fatwa*) issued by the National Council of Islamic Jurisprudence.[120]

69. LCFP stated that Law No. 76/1972 on publications, modified by Law No. 120/1972 and Law No. 75/1973, restricted publishing rights to two public entities.[121] HRW and LCFP noted that Decree No. 5/2014 called for the cessation and ban of broadcasting several satellite channels, which were "hostile to the February 17 revolution."[122]

70. According to LFJL, Law No. 19/2003 and Law No. 71/1972 regulated the formation and activity of associations, with Law No. 71/1972 making illegal associations engaging in "any activity based on a political ideology contrary to the principles of the 1969 Al-Fateh Revolution." Violators of the law were subject to the death penalty.[123]

71. LFJL furthermore indicated that Article 206 of the Penal Code criminalised providing funds to, managing, benefiting from, or advocating the establishment of any organisation deemed illegal and authorised the use of the death penalty for those in breach.[124] FLD also expressed similar concern.[125]

72. FLD and LFJL stated that, in order to ensure freedom of association, members of Libyan civil society had presented a draft NGO law to the Ministry of Culture and Civil Society in February 2012. This draft law had yet to be discussed.[126]

73. LFJL stated that GNC had passed Law No. 65/2012 in order to control demonstrations and protests.[127] AI and HRW noted that the law failed to include relevant guarantees to uphold international human rights law and imposed severe restrictions on exercise of the right to assembly.[128]

74. JS1 stated that NTC had only two women in the 40-member Council.[129] NQM noted that Law No. 4/2012 had allocated only 17 per cent of the total seats to women.[130] According to JS1, 600 women had run in the July 2012 elections for a 200-member GNC. Although 33 women had been elected, the Government formed after the elections had included only two of those 33 women.[131]

75. NQM indicated, in the elections for CDA in February 2014, only 64 candidates had been women out of a total of 649. Not a single woman had secured a seat through the open list and, as a result, women's representation had been limited to just the six reserved seats out of 60.[132] JS3 noted that the 10 per cent quota for women fell significantly short of the UN Beijing target of 30 per cent.[133]

76. LWPP indicated that GNC's new electoral law (Law No. 10/2014) had reserved a 16 per cent quota for women for the House of Representatives (HoR).[134] However, according to NQM, female representation in HoR had only accounted for 15 per cent, due to the violence which had disrupted some of the election polls. Only 30 women had been elected, rather than 32 envisaged in the electoral law.[135]

6. Right to health

77. JS4 stated that Libyan public and private health services provided a very low standard of care, particularly in remote locations.[136] As 80 per cent of Libya's healthcare personnel were foreign nationals, fighting and insecurity had led to their departure and resulted in shortages in medical staff and supplies.[137]

78. According to JS4, child healthcare was a key concern in towns with oil refineries and cement factories due to widespread environmental pollution. In rural towns, paediatricians were hard to find.[138] JS4 also noted a lack of hospitals or clinics with specialist medical equipment, causing the deaths of many new-born babies, due to lack of incubators.[139]

7. Right to education

79. JS4 expressed concern about the delay in implementing recommendation 93.53.[140] There was a lack of trained teaching staff in State schools and universities, and the level of nepotism involved in the appointment of teachers was significant. This impacted the quality of education and the wellbeing of students.[141]

80. JS4 noted that, in rural areas, poor public transport hindered access to education facilities. This problem was particularly important for female students who were not allowed to travel alone.[142]

8. Persons with disabilities

81. According to NLODPD, the only legislative development directed towards persons with disabilities, since Libya's last UPR in 2010, was the adoption of Law No. 4/2013. However, this law provided support only to those who had developed disabilities as a result of injury during the 2011 uprising.[143]

82. NLODPD also indicated that Decision No. 161/2013 provided one seat to people with disabilities in each local council. However, people with disabilities were defined as only those who fought in, and for, the February 17 Revolution.[144]

83. NLODPD stated that two recommendations about improving education for people with disabilities[145] had not been implemented despite enjoying Libya's support.[146] Libya had failed to ensure that students with disabilities were able to access state funded education and to provide specialised staff and equipment.[147]

84. JS4 noted that there were only three State health centres across the whole country that specialised in treating mental illnesses. Services to treat chronic conditions and disabilities were extremely poor.[148] NLODPD also stated that the needs of those with disabilities such as blindness were not taken into account.[149]

9. Minorities and indigenous peoples

85. LWPP indicated that the GNC's electoral law for CDA had allocated only a 10 per cent quota for minorities.[150] NCCLHR also noted that the elections of CDA had failed to achieve the desired inclusiveness, as 13 seats had not been elected, including five of the six seats designated for the Amazigh, Tuareg, and Tebu.[151]

86. The Libyan Association for the Protection of Tebu Culture (LAPTC) stated that the Constitutional Declaration recognised only Arabic as the official language.[152] Alkarama noted that GNC had passed Law No. 18 on the Rights of Cultural and Linguistic Minorities and recognised the languages of the Amazigh, Toubou (Tebu/Tabu) and Tuareg as an integral part of the linguistic and cultural heritage of the country. The law also guaranteed teaching of minority languages in the national education system.[153] JS4, however, noted that the State had failed to take positive steps to train teachers or create appropriate curricula for education in minority languages.[154]

87. LATPC indicated that many Tebu did not have Libyan citizenship. After the International Court of Justice ruled in 1994, in the matter of the fighting over the Aouzo strip between Chad and Libya, that Libya must return the Aouzo strip to Chad, Libya issued Decision 13/1998, revoking the Libyan citizenship of all persons born in Aouzo. Although this decision was overturned in 2010, the Tebu continued to face difficulties in applying for citizenship.[155]

10. Migrants, refugees and asylum seekers

88. JS4 indicated that, through the absence of a clear immigration framework, Libya had systematically failed to ensure adequate human rights protections for the migrant populations residing or transiting through its borders and allowing a significant number of migrants to travel to Europe by boats, endangering their lives.[156]

89. JS4 noted that NTC had reaffirmed the Treaty of Friendship, Partnership and Co-operation with a neighbouring country on the control of migration in April 2012. This agreement attempted to establish bilateral co-operation in combating "illegal migration" but had failed to provide substantive measures to improve the safety of those arriving on boats.[157]

90. OMCT noted that, at least 4,000 migrants, especially from the Horn of Africa, were held in 18 detention centres operated by the Ministry of Interior.[158] JS4 stated that Libyan law permitted indefinite detention for violators of visa and migration regulations. Most detainees had not been given an opportunity to challenge their detention.[159] HRW indicated that guards in detention centres under the Government control had tortured and otherwise abused detainees. Furthermore, the authorities did not allow UNHCR to register asylum seekers in detention.[160]

91. AI indicated that Libya lacked asylum legislation and system. Deportations were carried out without procedural safeguards, at times on health grounds. Detainees were held in overcrowded cells with limited access to fresh air, drinking water, and medical care. UNHCR continued to operate without an official agreement which undermined its ability to provide effective protection.[151]

11. Internally displaced persons

92. OMCT indicated that almost 60,000 people were displaced internally after the 2011 revolution, and the majority of them lived in camps in and around Tripoli and Benghazi. IDPs from Tawergha, Mashashiya, Gualish, and Bani Walid were at the highest risk of arbitrary arrest and detention, torture and extrajudicial killing as part of a post-revolutionary culture of revenge.[162] OMCT and JS4 also noted more recent displacement of the Warshefana.[163]

93. AI, HRW, MACH and OMCT expressed serious concerns about the situation of some 40,000 displaced Tawerghans, who had been driven from their town in 2011 for their perceived allegiance to Qadhafi. Misrata militias had accused them of committing war crimes on behalf of Qadhafi, and arbitrarily detained and routinely tortured them. Tawarghans had been re-displaced in mid-2014 in the context of a renewed armed conflict.[164] According to MACH, there were an estimated 18,000 displaced Tawerghans in Benghazi, 13,000 in Tripoli, and 7,000 in and around Sebha. In total, they were scattered over 26 different campsites across Libya.[165]

94. MACH continued that Libya had also failed to provide adequate housing for IDPs. Shelters in IDP camps were in bad conditions, with broken windows, and there was no heating and hardly any furniture.[166]

95. JS4 indicated that Tawerghan students had experienced discriminatory treatment in State funded schools and that Tawerghan families had been forced to set up their own schools in the camps. However, these schools lacked basic supplies and trained teaching staff.[167]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society:

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
Alkarama	Alkarama Foundation, Geneva (Switzerland);
ASBL	Assabel Foundation, Tripoli (Libya);
CRIN	Child Rights International Network, London (United Kingdom of Great Britain and Northern Ireland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
FLD	Front Line Defenders- The International Foundation for the Protection of Human Rights Defenders, Blackrock county, Dublin (Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva (Switzerland);
ISHR	International Service for Human Rights, Geneva (Switzerland);
LAPTC	The Libyan Association for the Protection of Tebu Culture, Ghatroun (Libya);
LCFP	Libyan Center for Freedom of Press, Tripoli (Libya);
LFJL	Lawyers for Justice in Libya, London (United Kingdom of Great Britain and Northern Ireland);
LWPP	Libyan Women's Platform for Peace, Giza (Egypt);
MACH	Mercy Association for Charitable and Humanitarian (Alrahma) , Tripoli (Libya);
NCCLHR	National Council for Civil Liberties and Human Rights, Tripoli (Libya);
NLODPD	National Libyan Organisation for the Development of People with Disabilities, Tripoli (Libya);
NQM	Al Nissa Qadimat Movement (the Women are Coming Movement), Tripoli (Libya);
OMCT	World Organisation Against Torture, Geneva (Switzerland);
Quzah	Quzah, Tripoli (Libya).

Joint submissions:

JS1	Joint submission 1 submitted by: The Advocates for Human Rights, Minneapolis (United States of America); and Mobilising for Rights Associates, Rabat (Morocco);
JS2	Joint submission 2 submitted by: Lawyers for Justice in Libya, London (United Kingdom of Great Britain and Northern Ireland); Redress, London (United Kingdom of Great Britain and Northern Ireland); DIGNITY Danish Institute Against Torture, Copenhagen (Denmark);
JS3	Joint submission 3 submitted by: Civil Network for Transitional Justice, Tripoli (Libya); and No Peace Without Justice, Rome (Italy);
JS4	Joint submission 4 submitted by: Coalition of Libyan Human Rights Organisations consisting of: Libyan Centre for Freedom Of Press (LCFP), Tripoli (Libya); Mercy Association for Charitable and Humanitarian (Alrahma), Tripoli (Libya); Lawyers for Justice in Libya (LFJL), London (United Kingdom of Great Britain and Northern Ireland); National Libyan Organisation for the Development of People with Disabilities, Tripoli (Libya); Libyan Association for Tebu Culture (LATC), Ghatroun (Libya); Al Nisaa Qadimat Movement (the Women are Coming Movement), Tripoli (Libya); and Victims Organization For Human Rights, Benghazi (Libya).

[2] The following abbreviations have been used in the present document:

HR Committee	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CAT	Committee against Torture
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] OMCT, p. 5.
[4] HRW, para. 43.
[5] Alkarama, para. 12. a.
[6] AI, p. 5. / OMCT, p. 1.
[7] HRW, para. 5.
[8] A/HRC/16/15, para. 93.1, *Take necessary measures to accede to CRPD (Oman).*
[9] NLODPD, para. 10.
[10] HRW, p..ra. 53.
[11] A/HRC/16/15, para. 95.4, *Consider becoming a party to the 1951 Convention relating to the Status of Refugees and the Protocol thereto (Chad).*
[12] JS2, para. 24. / JS4, para. 45.
[13] AI, p. 5. / HRW, para. 49. / OMCT, p. 6.
[14] A/HRC/16/15, para. 95.1, *Accede to international human rights conventions not yet acceded to (Egypt).* For position of Libya, see A/HRC/16/1/5/Add.1, para. 7.
[15] MACH, para. 7.
[16] HRW, para. 44. / JS3, para. 19.
[17] NCCLHR, para. 25.
[18] Alkarama, paras. 13, 14 and 17.
[19] ASBL, para. 42.
[20] Alkarama, paras. 18-19.
[21] AI, p. 2.
[22] Alkarama, paras. 20-21.
[23] Alkarama, para. 22. a.
[24] NCCLHR, para. 28.
[25] A/HRC/16/15, para. 93.39, *Continue developing training methods and educating police, prison guards and the judiciary in areas of human rights (Egypt).*
[26] JS2, para. 37.
[27] A/HRC/16/15, para. 93.18, *Continue its active cooperation with the United Nations mechanisms and submit its periodic reports to treaty bodies, as appropriate (Cuba).*
[28] Alkarama, paras. 23-24.
[29] OMCT, p. 1.
[30] Alkarama, para. 25.
[31] ISHR, p. 1.
[32] Alkarama, paras. 27-28.
[33] NQM, para. 2.
[34] A/HRC/16/15, para. 93.20, *Adopt policies and legislation aimed at promoting women's rights and combating gender-based discrimination, particularly domestic violence (Brazil).*
[35] NQM, para. 3.
[36] A/HRC/16/15, para. 93.26, *Strengthen measures and policies to promote the active role and participation of women in the political, social and economic life of the country (Viet Nam).*

[37] A/HRC/16/15, para. 93.33, *Continue to take practical measures to ensure the effective participation of women in economic, social and political fields (Pakistan).* / NQM, para. 4.
[38] A/HRC/16/15, para. 95.27, *With a view to fostering equality in law and practice, repeal all discriminatory legislation with regard to marriage, divorce and inheritance (Canada).* For position of Libya, see A/HCR/16/15/Add.1, para. 7. / AI, p. 1.
[39] NQM, para. 23.
[40] JS1, para. 24. / JS4, par. 16.
[41] JS4, para. 11.
[42] NQM, para. 22. / JS1, para. 36.
[43] JS1, paras. 33-34. / JS4, para. 12.
[44] NQM, para. 24. / LWPP, p. 6. / JS1, paras. 33-34. / JS4, paras. 13-14.
[45] JS4, paras. 13-14. / LWPP, p. 6.
[46] Alkarama, para. 31.
[47] A/HRC/16/15, para. 95.19, *Commute all existing death sentences and establish a moratorium on the use of the death penalty as a step towards its abolition, as declared in the Great Green Charter of Human Rights in the Jamahiriyan Era (United Kingdom).* For position of Libya, see A/HRC/16/15, para. 7.
[48] A/HRC/16/15, para. 96.6, *Amend or repeal legislation that applies the death penalty to non-serious crimes, as recommended by the Human Rights Committee, including the exercise of the right to freedom of expression or opinion or the establishment of groups, organizations or associations based on a political ideology contrary to the principles of the 1969 revolution (articles 206 and 207 of the Penal Code) (Israel).*
[49] AI, p. 4.
[50] HRW, p. 1.
[51] Alkarama, para. 36.
[52] FLD, para. 6.
[53] AI, p. 3. / FLD, p. 2. / HRW, p. 2. / ISHR, p. 1. / LFJL, p. 3. / LWPP, p. 4. / JS1, p. 1. / JS2, p. 2. / JS3, p. 4.
[54] OMCT, p. 4.
[55] OMCT, p. 5.
[56] MACH, para. 24.
[57] OMCT, p. 5.
[58] OMCT, p. 1.
[59] OMCT, p. 2.
[60] A/HRC/16/15, para. 93.3, *Adopt domestic legislation to absolutely abolish practices of torture on its territory (United States).*
[61] OMCT, p. 2.
[62] JS2, paras. 22-23.
[63] AI, p. 2. / HRW, para. 13. / MACH, paras. 16-17. / OMCT, pp. 2-3.
[64] Alkarama, paras. 37-38.
[65] AI, p. 2. / Alkarama, para. 35. / JS2, p. 1.
[66] JS2, para. 10.
[67] ASBL, para. 46.
[68] AI, p. 2.
[69] NCCLHR, para. 24.
[70] JS3, para. 9.
[71] AI, p. 2. / NQM, para. 17. / JS3, para. 14.
[72] JS3, para. 14.
[73] LLWP, p. 1.
[74] LWPP, p. 6.
[75] A/HRC/16/15, para. 93.36, *Take comrehensive measures to elilminate violence against women and children, in particular by adopting a national strategy to combat violence against women, as recommended by the Committee on the Elimination of Discrimination against Women (Thailand).* / NQM, para. 10.
[76] HRW, para. 47. / NQM, para. 12. / JS1, para. 13. / JS3, para. 22.
[77] JS3, para. 15.

[78] JS1, para. 17. / JS3, para. 16.
[79] NQM, para. 15.
[80] JS1, para. 48. / JS3, para. 17.
[81] JS1, paras. 16 and 19.
[82] NQM, para. 14.
[83] AI, p. 2. / CRIN, p.2. / GIEACPC, p.1 / HRW, para. 38. / JS2, p. 1.
[84] AI, p. 2.
[85] A/HRC/16/15, para. 95.24, *Revoke provisions of the national law enabling the use of corporal punishment (Czech Republic)*/ para. 95.25, *Abolish corporal punishment, both in law and in practice (Switzerland)*. For position of Libya, see A/HRC/16/15/Add.1, para. 7.
[86] GIEACPC, pp. 1-2.
[87] AI, p. 3. / HRW, para. 29. / ISHR, p. 2. / LWPP, pp. 6-7.
[88] AI, p. 3.
[89] HRW, para. 29.
[90] AI, p. 1. / FLD, para. 17 / ISHR, p. 2. / JS2, para. 2.
[91] AI, p. 2.
[92] OMCT, p. 3.
[93] JS4, paras. 21-22.
[94] AI, p. 3.
[95] JS2, para. 3.
[96] AI, p. 2.
[97] ISHR, p. 2.
[98] AI, p. 3. / FLD, para. 18. / HRW, para. 15. / MACH, para. 18. /
[99] AI, p. 3.
[100] A/HRC/16/15, para. 96.10, *Publish a list of all those killed in 1996 at Abu Selim prison, and provide their families with death certificates stating the place, date and exact circumstances of death (United Kingdom)*. / AI, p. 3. For position of Libya, see A/HRC/16/15/Add.1, para. 7.
[101] HRW, para. 25.
[102] LFJL, para. 20. / LWPP, pp. 6-7. / JS4, p. 1. and para. 7.
[103] CRIN, p. 2.
[104] Quzah, p. 1.
[105] Quzah, p. 2.
[106] Quzah, p. 3.
[107] Quzah, p. 4.
[108] ECLJ, para. 14.
[109] ECLJ, para. 1.
[110] ECLJ, para. 8.
[111] JS4, para. 25.
[112] LFJL, para. 12.
[113] ISHR, p. 1.
[114] Alkarama, paras. 44-45.
[115] AI, p. 1.
[116] A/16/15, para. 93.41, *Comply with international obligations, and ensure full and unhampered enjoyment of freedom of expression (Czech Republic)*; para. 93.42, *Abrogate all provisions criminalizing freedom of expression (Switzerland)*: and para. 93.43, *Provide for free, independent media in accordance with the Libyan Arab Jamahiriya's international obligations (Slovakia)*. / LCFP, para. 5. / LFJL, para. 3.
[117] HRW, para. 7. / LFJL, paras. 6-7.
[118] LCFP, para. 6. / LFJL, para. 9.
[119] FLD, paras. 11-12. / HRW, para. 8 / LCFP, para. 8. / LFJL, para. 10.
[120] LCFP, para. 7. / LFJL, para. 9. / JS1, paras. 30-31. / JS4, para. 15.
[121] LCFP, para. 10.
[122] HRW, para. 8 / LCFP, para. 16.
[123] LFJL, paras. 14-15.
[124] LFJL, paras. 16-17.
[125] FLD, paras. 11-12.

[126] FLD, paras. 5 and 9. / LFJL, para. 19.
[127] LFJL, para. 24.
[128] AI, p. 4. / HRW, para. 12.
[129] JS1, para. 42.
[130] NQM, para. 6.
[131] JS1, para. 42.
[132] NQM, para. 7.
[133] JS3, para. 8.
[134] LWPP. P. 7.
[135] NQM, para. 8.
[136] JS4, para. 36.
[137] JS4, para. 37.
[138] JS4, para. 38.
[139] JS4, para. 39.
[140] A/HRC/16/15, para. 93.53, *Pursue ongoing action in favour of training for qualified teaching staff, and provide education opportunities for all segments and social groups in various regions (Algeria).*
[141] JS4, para. 30.
[142] JS4, para. 32.
[143] NLODPD, para. 11.
[144] NLODPD, para. 24.
[145] A/HRC/16/15, para. 93.54, *Improve education materials used in schools for people with special needs in order to ensure their full integration into society, economically and socially (Syrian Arab Republic).* / para. 93.57, *Continue its efforts in improving the right to education, especially education for people with special needs (Saudi Arabia).*
[146] NLODPD, para. 12.
[147] NLODPD, para. 13.
[148] JS4, para. 40.
[149] NLODPD, para. 22.
[150] LWPP. P. 7.
[151] NCCLHR, paras. 6-7
[152] LAPTC, para. 17.
[153] Alkarama, para. 33.
[154] JS4, para. 33.
[155] LATPC, paras. 12-13.
[156] JS4, para. 44.
[157] JS4, para. 45.
[158] OMCT, p. 6.
[159] JS4, para. 43.
[160] HRW, para. 23.
[161] AI, p. 4.
[162] OMCT, p. 6.
[163] OMCT, p. 6. / JS4, para. 20.
[164] AI, p. 4.
[165] MACH, para. 8.
[166] MACH, para. 22.
[167] JS4, para. 34.